

OFFICIAL REPORT OF PROCEEDINGS

BEFORE THE

NATIONAL LABOR RELATIONS BOARD

REGION 03

In the Matter of:

Starbucks Corporation,	Case Nos.
	03-CA-285671, 03-CA-290555,
Employer,	03-CA-291157, 03-CA-291196,
	03-CA-291197, 03-CA-291199,
and	03-CA-291202, 03-CA-291377,
	03-CA-291378, 03-CA-291379,
Workers United,	03-CA-291381, 03-CA-291386,
	03-CA-291395, 03-CA-291399,
Union.	03-CA-291408, 03-CA-291412,
	03-CA-291416, 03-CA-291418,
	03-CA-291423, 03-CA-291431,
	03-CA-291434, 03-CA-291725,
	03-CA-292284, 03-CA-293362,
	03-CA-293469, 03-CA-293489,
	03-CA-293528, 03-CA-294336,
	03-CA-293546, 03-CA-294341,
	03-CA-294303, 03-CA-206200

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UNITED STATES OF AMERICA  
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and

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03-CA-294303, 03-CA-206200

The above-entitled matter came on for hearing, pursuant to notice, before **MICHAEL A. ROSAS**, Administrative Law Judge, at National Labor Relations Board, Region 3, Robert H. Jackson United States Courthouse U.S. District for the Western District of New York, 2 Niagara Square Wyoming Courtroom, 5th Floor, Buffalo, New York 14202, on **Wednesday, September 14, 2022, 9:09 a.m.**



1 A P P E A R A N C E S

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I N D E X

<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>	<u>VOIR DIRE</u>
Kelliegh Perez (Hanlon)	3324	3340			
Greta Case	3343	3361			
Kristina Mkrtumyan	3367 3419	3474			3418 3463 3473

E X H I B I T S

<u>EXHIBIT</u>	<u>IDENTIFIED</u>	<u>IN EVIDENCE</u>
<b>General Counsel:</b>		
GC-1 (eeee)	3323	3484
<b>Respondent:</b>		
R-115 through 131	3483	3483
R-132	3466	3467
R-133	3446	3449
R-134	3446	Withdrawn
R-138	3462	3464
R-288	3449	3450
R-286	3417	3419
R-296	3444	3444
R-302	3452	3453
R-305	3455	3455
R-306	3456	3456
R-307	3456	3456
R-308	3457	3457
R-309	3457	3457
R-310 through 319	3454	3454
R-320	3458	3458
R-321	3458	3458
R-323	3468	3471

1	R-322	3471	--
2	R-324 through 327	3483	3483
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P R O C E E D I N G S

1

2 JUDGE ROSAS: Okay. On the record. All right.

3 Resumption Starbucks Corporation.

4 General Counsel?

5 MS. STANLEY: Your Honor, the only thing I have is that we

6 have the redlined, corrected version of the complaint -- the

7 third amended complaint, reflecting the allegations that were

8 withdrawn by Ms. Cacaccio a few weeks ago. I will distribute

9 that document and mark it so that it's clear. I believe it

10 will be General Counsel Exhibit 1(eeee), but I will double-

11 check that, and I'll -- I'll make sure that it's correctly

12 marked when I distribute it.

13 JUDGE ROSAS: Okay. So -- so the Respondent hasn't seen

14 that yet, but if it's not correct, we'll have it corrected, but

15 in the meantime, let's -- let's dep -- rese -- reserve a slot

16 in the record for this formal paper, the -- the updated final

17 complaint, and that will be, again, repeat it?

18 MS. STANLEY: General Counsel Exhibit 1(eeee), four E's.

19 JUDGE ROSAS: Okay. And Respondent does not object, but

20 reserves the right to have it corrected if it -- if it does not

21 reflect the current state of things. And also, General Counsel

22 has confirmed that the third amended answer is in the record?

23 MS. STANLEY: That's right.

24 MS. POLITO: And that we will not be submitting a further

25 answer to the revised -- -

1 JUDGE ROSAS: No.

2 MS. POLITO: -- third amended complaint.

3 JUDGE ROSAS: That's correct. This is just -- this is  
4 just basically an update of everything else.

5 MS. POLITO: Thank you, Your Honor.

6 JUDGE ROSAS: So who's your first witness?

7 MS. POLITO: Ms. Perez.

8 JUDGE ROSAS: Raise your right hand.

9 Whereupon,

10 **KELLIEGH PEREZ**

11 having been duly sworn, was called as a witness herein and was  
12 examined and testified as follows:

13 JUDGE ROSAS: All right. State and spell your name, and  
14 provide us with an address.

15 THE WITNESS: Kelliegh Sue Hanlon. K-E-L-L-I-E-G-H,  
16 S-U-E, H-A -- oh, I'm sorry. I just got married. P-E-R-E-Z.  
17 And 470 Washington Street, Brighton, Massachusetts.

18 **DIRECT EXAMINATION**

19 Q BY MS. POLITO: Good morning, Ms. Perez. What was your  
20 maiden name?

21 A Hanlon, H-A-N-L-O-N.

22 Q And were -- did you use your maiden name while you were in  
23 the Buffalo market?

24 A I did.

25 Q Are you currently employed?





1     A     I am.

2     Q     And who are you employed by?

3     A     Starbucks.

4     Q     And what is your current title?

5     A     I am on a district manager temporary assignment.

6     Q     And where is that located?

7     A     In Boston.

8     Q     How long have you held that temporary assignment?

9     A     Less than a month.

10    Q     When did you first start working for Starbucks?

11    A     Six years ago, July of 2016.

12    Q     And what was the title when you were hired?

13    A     Barista.

14    Q     And where -- where were you --

15           MS. POLITO: Strike that.

16    Q     BY MS. POLITO: What store were you employed at when you

17    were hired as a barista in 2016?

18    A     I worked for a Starbucks in South Boston, we -- known as

19    West Broadway T Station.

20    Q     And what was your next job title with Starbucks?

21    A     Shift manager.

22    Q     And -- and what was your progression from there?

23    A     I was a shift manager, and then I had a store manager

24    temporary assignment, and then I had a permanent store manager

25    position. And I was a support manager in Buffalo, an ops coach

1 for six months after Buffalo, and now a district manager  
2 temporary assignment.

3 Q Let's go back to when you first became a store manager.  
4 Where was that?

5 A South Boston, West Broadway T Station.

6 Q And do you recall what year that was?

7 A It was -- started in 2016 -- August of 2018.

8 Q And did you hold that store manager title until you came  
9 to the Buffalo market?

10 A Yes.

11 Q And tell us generally what you're -- about that store; how  
12 many channels did that store have?

13 A My original store?

14 Q Yes, where you were store manager from August 2018.

15 A It -- I just had a regular cafe store.

16 Q No drive-thru?

17 A No drive-thru.

18 Q How many stores did you work at as store manager?

19 A I had South Boston, Huntington Ave, Longwood, Beth Israel,  
20 1304 -- I'm sorry, 874 Comm Ave, and Brighton Village, so six  
21 stores.

22 Q How did it happen that you were -- arrived in Buffalo in  
23 the fall of 2021?

24 A I'd gotten a call from my district manager, who had asked  
25 me if I would be willing to support as a store manager in

1 Buffalo for up to 90 days. At the time, it was a conversation  
2 about hey, have you seen the news, which I did, and she said  
3 you know, there's some -- some partners that are struggling out  
4 in Buffalo, and I think your leadership is needed; would you be  
5 willing to -- to fly out for 90 days, and.

6 Q What -- what about your leadership skills did she tell you  
7 were needed in that Buffalo market?

8 A My -- my biggest thing has always been the partner  
9 experience. And so in every store I've led, I've always had  
10 high partner and customer connections. And that -- that year  
11 alone, I actually was store manager of the quarter for Q4, and  
12 then I was also store manager of the year for customer.

13 Q When did you arrive in Buffalo?

14 A September 13th, 2021.

15 Q And how long did you stay in Buffalo?

16 A Until January 13th of 2022.

17 Q And what was your job during that time period?

18 A I was a support store manager.

19 Q Had you heard of a support store manager prior to arriving  
20 in Buffalo?

21 A Not in my market, no.

22 Q And when you arrived in Buffalo, were you assigned to a  
23 particular location?

24 A I was.

25 Q And what location was that?



1 A Camp Road.

2 Q Do you know why you stayed longer than the 89 or 90 days?

3 A Yes. My total assignment ended up being 120 days, and for  
4 me, it was -- goals state we would have a new store manager and  
5 store by the time that I left, and at that point, we had just  
6 transitioned in Dustin, and we had an ASM coming into the store  
7 that would be taking over the store. And so for me, I wanted  
8 to make sure that transition was smooth for the team, so I  
9 decided to stay the extra 30 days.

10 Q And who was the ASM at the time?

11 A Tanner Reese.

12 Q Going back to when you first arrived in Buffalo, who was  
13 the store manager at Camp Road?

14 A David Fiscus.

15 Q Did you work with Mr. Fiscus?

16 A My first day at Camp Road was his last day at Camp Road.

17 Q And do you know if he -- the circumstan -- circumstances  
18 under which he left Starbucks?

19 A He resigned.

20 Q And when you arrived at the Camp Road store, were there  
21 any other store managers or support store managers in the  
22 store --

23 A Not --

24 Q -- or assigned to the store?

25 A Not at the time, no.

1 Q At some point in time after your arrival, were there store  
2 support managers assigned to Camp Road?

3 A Yes, I had a support manager peer about a week after I  
4 arrived.

5 Q And who was that?

6 A Taylor Pringle.

7 Q And how long did Taylor Pringle work with you at the Camp  
8 Road store?

9 A He also was on the 90-day assignment and fulfilled his 90  
10 days, so mid-December.

11 Q And how were the roles divided between you and Mr.  
12 Pringle, in terms of store operations at Camp Road in the fall  
13 of 2021?

14 A So for me, I didn't have access to partner hours or things  
15 like that, so Taylor really took care of the operational piece.  
16 And then for me, I was more like partner-facing, like the lead  
17 for the partners.

18 Q Did you ever -- were you ever told by anyone to listen to  
19 the partners to determine if they were Union supporters or not?

20 A Never.

21 Q Did you instruct any other managers at the store to listen  
22 to the partners to determine if they were in support of the  
23 Union or not?

24 A No.

25 Q Are you aware of any managers at the Camp Road store

1     instructing partners not to talk about Union activity?

2     A     Not to my knowledge.

3     A     Did you see any partners at the Camp Road store in the  
4     fall of 2021 expressing support for the Union?

5     A     Yes.

6     Q     And what did you observe?

7     A     There were pins, and we had some signage hung up.

8     Q     And when you say signage, would that be Union literature?

9     A     Yes.

10    Q     And where was that located?

11    A     Back of house.

12    Q     Did anyone ever ask any of the partners to remove the  
13    Union literature?

14    A     Not to my knowledge.

15    Q     To your knowledge, did anyone ask any of the partners to  
16    remove Union pins?

17    A     No.

18    Q     How were the conditions of the Camp Road store when you  
19    arrived?

20    A     So my initial reaction pulling in was, this is a beautiful  
21    store, because it had just built -- been built in that April,  
22    so for me, it was wow, this is a gorgeous store. I'm used to  
23    old school Boston stores. When I walked into the store, same  
24    thing, I thought it was gorgeous.

25           And then as I was speaking to partners, they kind of

1 directed me to look up to the ceiling, after I told them how  
2 beautiful the store was, and when I did, the ceiling was  
3 covered in fruit flies. And then upon going through the back  
4 of house and just taking a look around, the mop area, the wall  
5 of the whole mop sink was also covered in fruit flies.

6 Q What, if anything, did you do in response to that?

7 A My very first day, I joked that they probably thought I  
8 was crazy because I ran around with chemicals, trying to kill  
9 as many bugs as I could, and figuring out where they came from.  
10 And they kind of just laughed and said, we've already had  
11 exterminators out, I don't know that that's going to help.

12 Q So did they tell you that they had done anything other  
13 than having exterminators out to try to fix the fruit fly  
14 problem?

15 A The only thing that I know up and to that point was the  
16 exterminators.

17 Q So did you, at some point, learn where the fruit flies  
18 were coming from?

19 A Yes.

20 Q Where?

21 A So after we did a facilitates walk-through and like,  
22 really tried to deep dive, we realized that when the new  
23 construction was built, they didn't actually caulk the sinks to  
24 the -- the countertops. And so they were not like real wood,  
25 they were kind of that weird material of wood, so the -- where

1 we would, like, rinse our pitchers, milks, frappes, things like  
2 that, all of that backup residual was going through the sinks,  
3 into the countertops, and so they were actually living in the  
4 counters between the sink and the counters.

5 Q And what, if anything, did you do in response to learning  
6 that the countertops were not caulked, causing the fruit fly  
7 problem?

8 A Well, there was two options. We could've caulked them and  
9 let the infestation live inside the countertops, or we would  
10 have to rip up the countertops and get new countertops to have  
11 a permanent fix.

12 Q And what decision was made?

13 A It was decided that for a permanent fix, we would rip up  
14 those counters and get new counters put in properly.

15 Q And when that decision was made, were there other  
16 renovations decisions made at the same time?

17 A Originally, it was just the countertops, to my knowledge.

18 Q And then, when did that take place?

19 A I'd say first week of October-ish.

20 Q And was the store closed during that time?

21 A It was.

22 Q And do you recall how long the store was closed for?

23 A I want to say a week.

24 Q And when the store was closed for the week for that repair  
25 to fix the fruit fly problem, were the partners allowed to work



1 at any other locations?

2 A The partners were allowed to either pick up shifts at a  
3 neighboring store, or if they weren't comfortable, they were  
4 compensated for the hours they were scheduled.

5 Q Was that renovation work done?

6 A Yes.

7 Q And did it resolve the fruit fly problem?

8 A Yes.

9 Q And as a result of the renovation to the countertops, were  
10 there any other problems created during that process?

11 A Yes. So at some point, I'm not sure if it was after an  
12 exterminator, or after a deep clean after they did the  
13 countertops, they had blasted the floors, which were like a  
14 sand-based floor, and destroyed -- destroyed the floors. And  
15 so they made the decision to go ahead and tile the floors  
16 because at this point, if we needed a cleaning company to come  
17 in, or even just Buffalo weather, salt, things like that, would  
18 eat at the floor over time, so they decided for a more  
19 permanent fix to go ahead and tile the floors.

20 Q And when did that occur?

21 A During the same time as the countertops.

22 Q So the floor was repaired and the countertops were  
23 repaired at the same time, during -- about that one week; is  
24 that right?

25 A Um-hum.

1 Q Were there any other repairs that you can recall that were  
2 done during that time?

3 A Not that I can recall.

4 Q Do you remember if a toilet was replaced during that time  
5 period?

6 A Not -- not to my knowledge.

7 Q And when the store reopened after that, those repairs --  
8 during the time that you were there, was it closed again at all  
9 for any type of renovations?

10 A No.

11 Q During the time that you worked with Mr. Pringle, did you  
12 ever hear Mr. Pringle tell partners at the Camp Road store that  
13 they could not discuss their pay or wages?

14 A No.

15 Q Did you ever observe Mr. Pringle or any other manager  
16 monitoring partner conversations?

17 A No.

18 Q Did you wear a headset?

19 A If I was on drive-thru.

20 Q Did the other managers wear headsets?

21 A If they were on drive-thru.

22 Q Do you recall what the operational hours were at the Camp  
23 Road store when you first arrived?

24 A I believe it was 5 a.m. until 9:30 or 10:00.

25 Q And at some point in time after your arrival, do you

- 1 recall whether or not the operational hours were adjusted?
- 2 A Yes.
- 3 Q And why was that?
- 4 A Staffing at night specifically.
- 5 Q And when was that?
- 6 A I would say end of September, beginning of October.
- 7 Q And why did you have to change operational hours during
- 8 that time?
- 9 A We didn't have the staff to support the nights.
- 10 Q And was it just a staffing issue for the night shift?
- 11 A Yes.
- 12 Q What typically was the night shift?
- 13 A In -- I'm sorry, in the sense of hours?
- 14 Q Yes.
- 15 A So I believe weekdays we were open until 9:30 or 10, and
- 16 weekends was 9 or 9:30.
- 17 Q And do you recall what the adjustment to the operational
- 18 hours were?
- 19 A I believe we closed at 8:30 on the weekdays, and 6:30 or
- 20 7:00 on the weekends.
- 21 Q And how long was that adjustment to operational hours for?
- 22 A I'd say about a month.
- 23 Q How did you -- what was the process for you to adjust the
- 24 operational hours at the Camp Road store?
- 25 A In -- in what sense, I'm sorry. That would be something

1 I'd -- I'd have to go through my district manager, and so we'd  
2 assess the staffing, and we knew there was a gap because, I  
3 mean, I think I spent, like, 12 hours a day my first week there  
4 to support that night shift. And then we got to the point  
5 where we had to discuss with our -- our district manager, hey,  
6 listen, this isn't working right now; we don't have the staff  
7 to support this and it's not fair for the partners. And so  
8 then we made the decision that we would go ahead and modify the  
9 hours until we could get the staff that we needed for the  
10 nights.

11 Q And who was your district manager?

12 A Kristina, I cannot pronounce her last name.

13 Q Does she also by the name of MK?

14 A She does.

15 Q And she's in the courtroom?

16 A She is.

17 Q During the fall of 2021, was there a time when you did a  
18 level reset at the store with the partners?

19 A Yes.

20 Q Can you tell us what a level reset is?

21 A Sure. So we quickly realized with time and attendance and  
22 dress code that there was a gap. And so instead of just going  
23 in and holding people accountable, we wanted to make sure that  
24 they understood the standard. And so what we did was we  
25 printed out the dress code policy and the time and attendance

1 policy, and then we went through, created a list of all the  
2 partners' names, put their names, and asked them one-on-one to  
3 just, quick five minutes, hey, do you know our dress code  
4 policy, do you understand our dress code policy, do you know  
5 our time and attendance policy, do you understand our time and  
6 attendance policy. And once we had a verbal yes, we  
7 understand, we would ask them to sign and date it, so that  
8 going forward, they knew what the policy was and that they'd be  
9 held accountable to it.

10 Q During the fall of 2021, did you have occasion to  
11 discipline partners?

12 A I'm sorry, one more time?

13 Q During the fall of 2021, did you have occasion to  
14 discipline partners?

15 A Yes.

16 Q And would their Union support, does that have any impact  
17 on whether or not you decided to discipline partners?

18 A No.

19 Q Do you recall a partner by the name of Gianna Reeve?

20 A Yes.

21 Q And do you recall what position she held?

22 A Shift supervisor.

23 Q Do you recall whether or not her shifts were reduced  
24 during the fall of 2021?

25 A I do not.

1 Q Do you recall whether or not Ms. Reeve received a verbal  
2 warning in or about November of 2021?

3 A Not that I recall, no.

4 Q Do you recall whether or not Ms. Reeve was prevented from  
5 attending a listening session in or about November of 2021?

6 A Not to my knowledge.

7 Q Did she ever complain to you that she was not allowed to  
8 attend a listening session?

9 A No.

10 Q Do you recall a partner by the name of William Westlake?

11 A I do.

12 Q And what was his position while you were at Camp Road?

13 A He was a barista.

14 Q Do you know if he had been promoted to the position of  
15 barista trainer?

16 A I do not, no.

17 Q Was there any training occurring at the Camp Road store in  
18 the fall of 2021?

19 A There was not. So my time there, there was no training  
20 facilitated in-store.

21 Q And do you know why?

22 A There was a training facility that they created at a -- a  
23 neighboring store, where they would onboard and train partners  
24 for -- for stores.

25 Q And so if a barista trainer in the fall of 2021 didn't

1 have the opportunity to train any baristas, was it because of  
2 the centralized training facility?

3 A Yes.

4 Q Was there a time in November or December of 2021 where Mr.  
5 Westlake was sent home from his shift at Camp Road?

6 A Not that I recall.

7 Q Do you recall a time in January of 2022 where Mr.  
8 Westlake's hours were reduced?

9 A Not that I recall.

10 Q Do you recall a time where -- in December through January  
11 of 2022, where Mr. Westlake was not working for a period of  
12 time?

13 A Yes.

14 Q What were the circumstances, to your knowledge?

15 A A back injury.

16 Q And do you recall how long he was out?

17 A I know that I did not see him before I left for my  
18 Christmas break, and I did not see him up until my last day,  
19 January 13th.

20 Q And do you know if he was on the -- on the schedule after  
21 January 13th?

22 A I do not know.

23 Q Do you know if he was prevented from attending a listening  
24 session?

25 A Not to my knowledge.

1 Q Did he ever complain to you that he was prevented from  
2 attending a listening session?

3 A No.

4 Q Do you recall whether or not any managers made any threats  
5 to any partners, with respect to the Union vote that was held  
6 on December 9th?

7 A No.

8 Q Do you recall if you or any other managers made any  
9 promises to any partners, with respect to the vote that was  
10 hold on December 9th?

11 A No.

12 Q Did any partner ever tell you that they felt uncomfortable  
13 as to how they would vote, with respect to the vote that was  
14 held on December 9th?

15 A No.

16 MS. POLITO: That's all I have, Judge.

17 JUDGE ROSAS: General Counsel?

18 **CROSS-EXAMINATION**

19 Q BY MS. STANLEY: Hi, Ms. Perez.

20 A Hello.

21 Q You testified earlier that your -- your district manager  
22 asked if you'd be willing to come support the Buffalo market --

23 A Um-hum.

24 Q -- as a store manager. I think you said there was kind of  
25 like, have you seen the news?



- 1     A     Um-hum.
- 2     Q     And you said you had seen the news?
- 3     A     Um-hum.
- 4     Q     What news did you see?
- 5     A     At the time, so that is kind of when, like, Twitter and
- 6     things started blowing up. So I knew that there were a few
- 7     stores that had petitioned in that market.
- 8     Q     You said your first day in Buffalo was David Fiscus' last
- 9     day?
- 10    A     My first day in Camp Road.
- 11    Q     In Camp Road.
- 12    A     Yes.
- 13    Q     How do you know that Mr. Fiscus resigned?
- 14    A     He told me.
- 15    Q     He told you?
- 16    A     Um-hum.
- 17    Q     Had you been in Buffalo before your first day at Camp
- 18    Road?
- 19    A     I believe I got there on a Monday. I think the 13th was a
- 20    Monday. And my first day at Camp was Thursday.
- 21    Q     In that first conversation when your district manager
- 22    asked you to -- to come support Buffalo, did you talk about the
- 23    Union at all?
- 24    A     No.
- 25    Q     What were you told about what you're -- you would be doing

1 in Buffalo?

2 A I was just -- so it was kind of lined up as there were  
3 partners who were not having the Starbucks experience, and my  
4 ask was, can we go provide that experience you know, to be  
5 true.

6 Q When you worked at Camp Road, about how many hours per  
7 week were you in the store?

8 A Ideally, 40, but in some cases, I think my first week,  
9 I -- I wasn't even there a full week, because I was shipping  
10 out to my bachelorette party. And I think I worked easily,  
11 like, 55 to support that nighttime shift.

12 MS. STANLEY: Nothing further, Your Honor.

13 MS. POLITO: Nothing further, Judge.

14 JUDGE ROSAS: Okay. Your testimony is concluded. Do not  
15 discuss your testimony with anyone until you're told by them  
16 that the record is closed, all right?

17 THE WITNESS: Thank you.

18 JUDGE ROSAS: Have a good day.

19 Off the record.

20 (Off the record at 9:34 a.m.)

21 JUDGE ROSAS: Next witness, Respondent?

22 MS. POLITO: Good morning, Judge. Respondent calls Greta  
23 Case to the stand.

24 JUDGE ROSAS: Raise your right hand.

25 Whereupon,



1 **GRETA CASE**

2 having been duly sworn, was called as a witness herein and was  
3 examined and testified as follows:

4 JUDGE ROSAS: All right, have a seat. State and spell  
5 your name, and provide us with an address.

6 THE WITNESS: Greta Case. G-R-E-T-A, C-A-S-E. 1 Penn  
7 Avenue, New York, New York.

8 **DIRECT EXAMINATION**

9 Q BY MS. POLITO: Good morning, Ms. Case.

10 A Good morning.

11 Q By whom are you employed?

12 A Starbucks Coffee Company.

13 Q And how long have you worked for Starbucks Coffee Company?

14 A It'll be 18 years, I believe, September 21st.

15 Q What's your current title?

16 A Senior operations consult manager for partner program and  
17 safety.

18 Q Can you tell the court what roles you've held with  
19 Starbucks Coffee Company?

20 A Barista, shift supervisor, assistant store manager, store  
21 manager, district manager.

22 Q How long have you been in your current role?

23 A Three-and-a-half months.

24 Q Did there come a time when you supported the Buffalo  
25 market?

1 A Yes.

2 Q And when was that?

3 A End of September of 2021 until the first week of March  
4 2022.

5 Q And how did it come about that you came to the Buffalo  
6 market?

7 A My regional vice president came to me when I was a  
8 district manager and asked if I could help support the partners  
9 to bring back up the market to standard.

10 Q And who was that regional vice president that asked you  
11 that?

12 A Tracey Gaven-Bridgman.

13 Q Okay. And what role did you hold prior to being asked to  
14 come to the Buffalo market?

15 A District manager for the east end of Long Island.

16 Q And can you tell us generally what your job duties were as  
17 district manager, prior to arrival -- prior to arriving in the  
18 Buffalo market?

19 A Managing market, uplifting the partner experience,  
20 educating our partners, hiring store managers, and ensuring  
21 that tools and resources are utilized to help run an efficient  
22 business.

23 Q Okay. And how many stores did you support when you were  
24 the district manager of the east end of Long Island?

25 A 12.



1 Q And how often were you in those stores?

2 A Sometimes three times a week, sometimes four times a week.

3 Q When you came to the Buffalo market, what -- what role did  
4 they tell you you would hold?

5 A A support district manager.

6 Q Have you heard of the title support district manager prior  
7 to arriving in Buffalo?

8 A Yes.

9 Q And how had you heard of that role in the past?

10 A I did a similar role in 2019. I supported the Upper East  
11 Side in New York City, and also supported my former district on  
12 the North Shore of Long Island.

13 Q And during the times that you acted as a support district  
14 manager in the past, about how long were each of those  
15 assignments?

16 A I believe it was two to three months.

17 Q When you came to Buffalo in the fall of 2021, what were  
18 you told your job duties would be in Buffalo?

19 A To help bring the market back up to standard and create a  
20 good experience for our partners.

21 Q As a support district manager?

22 A To support the district manager, Mark Szto.

23 Q And do you know what district or what stores Mark  
24 supported at the time?

25 A District 159. I believe it was about 11 stores. There



1       were stores in Buffalo and in Rochester.

2       Q       Did you support any other stores during the time that you  
3       were in the Buffalo area?

4       A       The districts realigned, and I supported additional  
5       stores, and lost a few other stores. And that was, I believe,  
6       end of December, beginning of January.

7       Q       So from September through December of 2021, you were the  
8       support district manager for District 159, supporting Mark  
9       Szto; is that correct?

10      A       Correct.

11      Q       And when you first arrived in Buffalo, did you go to all  
12      the stores that you would be supporting?

13      A       I didn't see the Rochester as often; they're a little bit  
14      further away. But I saw all the Buffalo stores as often as I  
15      did with my previous market.

16      Q       And what were your observations about the conditions of  
17      the stores when you arrived in Buffalo?

18      A       Not up to standard.

19      Q       Was that true for all of the stores that you were  
20      supporting?

21      A       Correct.

22      Q       How long did Mark stay on in the Buffalo market?

23      A       End of December, beginning of January.

24      Q       And where did he transition to?

25      A       He transitioned to support DM in Rochester, or -- I

1 believe the month of January, maybe some into February, and  
2 then became a regional operational coach back in California.

3 Q Now, you told us a minute ago that the districts  
4 realigned. What does that mean when a district is realigned?

5 A Sometimes, stores shift into smaller areas. So we shifted  
6 the market into three districts and shifted the Rochester to  
7 remain in Rochester with those stores.

8 Q And so the market went from two districts to three  
9 districts?

10 A Correct.

11 Q And how many stores did each district manager have under  
12 the three-district model?

13 A About six to seven.

14 Q And did you become a district manager for one of those  
15 districts?

16 A Yes.

17 Q Which district?

18 A District 159.

19 Q And how many stores did you have at that time?

20 A It was, I believe, six, but came into seven as we opened a  
21 new store.

22 Q And what new store was that?

23 A Tonawanda.

24 Q And when was that opened?

25 A February.



1 Q Of 2022?

2 A Yes.

3 Q Did you apply for the position to be -- for district  
4 manager for district 159 in January of 2022?

5 A Yes.

6 Q And how was that application processed?

7 A That is standard process that we have for all applicants  
8 applying for a district manager role.

9 Q And what is the standard process?

10 A It is a competitive process where you apply online to the  
11 general open application, and then you go through an interview  
12 process.

13 Q Who were the other district managers for the new three-  
14 district market starting in January of 2022?

15 A Kristina and Michaela.

16 Q And Kristina is also referred to as MK?

17 A Correct.

18 Q And do you know what district MK was responsible for?

19 A The one below me. I don't remember the number.

20 Q And do you know how many stores MK was responsible for?

21 A I believe it was six.

22 Q What about Michaela Murphy?

23 A I believe it was around the same.

24 Q And all located within the Buffalo market?

25 A Yes.





1 Q Do you know if they were districted to be in close  
2 proximity to each other?

3 A Yes.

4 Q When you arrived at -- in the Buffalo market, were you  
5 told to wear a headset when you are in the stores to listen to  
6 what Union partners were talking about?

7 MS. PENDER STANLEY: Objection, leading.

8 JUDGE ROSAS: Sustained.

9 Q BY MS. POLITO: Did you wear a headset at any time when  
10 you were working in the stores in the Buffalo market?

11 A Yes, when I was working on drive-thru.

12 Q When you -- on the occasions when you wore a headset, were  
13 you listening to partners' discussions?

14 A No, there were no partner discussions.

15 Q When you arrived in the Buffalo market, were you aware of  
16 partners picking up shifts at other stores?

17 A Yes.

18 Q And what were the -- what was your understanding, as to how  
19 that was occurring?

20 A We follow a typical process of informing the store manager  
21 that there's a current need in the store. The store manager  
22 helps find that solution. The partners were not following that  
23 standard and created a group chat.

24 Q And what, if anything, did you do, with respect to  
25 learning that the partners were using a group chat to switch --

1 to swap shifts?

2 A We reinforced the policy with all of the store managers  
3 that I help support staffing in all the stores in the correct  
4 process.

5 Q What is the correct process?

6 A The shift supervisor or barista inform the store manager  
7 of the current gap in the store. The store manager helps  
8 support in finding coverage. If there is a partner picking up  
9 from another store, they inform their store manager. That  
10 store manager connects with the store manager in that location,  
11 and they agree on the coverage.

12 Q Are you aware of a partner by the name of Will Westlake?

13 A Yes.

14 Q And how?

15 A It was a partner that covered a shift in more than one  
16 stores.

17 Q Did you know an occasion where you sent Will home from  
18 work?

19 A Yes.

20 Q And can you tell us about -- tell us what happened?

21 A I had came into the Sheridan and Bailey store and  
22 connected with the shift supervisor. She said that they had a  
23 partner come in from another store to cover a shift. I asked  
24 if they had connected with the store manager. She said no.

25 I went and connected with Will and asked how he was doing.



1 He said it was his day off. He just came in to help. I said,  
2 did you connect with your store manager about the coverage? He  
3 said no. I said, did you connect with the store manager at  
4 this location? He said no.

5 And I said, well, currently, we're good with staffing. We  
6 don't need you for the day. So you can go home, and -- and  
7 thank you. I reeducated both of them and reaffirmed the policy  
8 and procedure that we do for covering shifts.

9 Q And was Mr. Westlake disciplined?

10 A No.

11 Q Was the shift supervisor disciplined?

12 A No.

13 Q And was that common practice to reinforce the policy?

14 A Yes.

15 Q Do you know a partner by the name of Daniel Rojas?

16 A Yes.

17 Q And how are you familiar with that partner?

18 A They were a shift supervisor at the Sheridan and Bailey  
19 location.

20 Q And that was one of your stores?

21 A Yes.

22 Q And was he (sic throughout) a shift supervisor at the  
23 Sheridan and Bailey location upon your arrival?

24 A Yes.

25 Q Did he work as a shift supervisor at the Sheridan and

1 Bailey location?

2 A Yes.

3 Q Did he ask to be transferred to any other locations during  
4 the time that you were a district manager overseeing the  
5 Sheridan and Bailey store?

6 A Yes.

7 Q And what was the process for requesting a transfer?

8 A There was a transfer form that they fill out and provide  
9 to the store manager. The store manager provides that to the  
10 district manager. They connect with the receiving district  
11 manager to see if there is a business need or an opportunity to  
12 transfer to the location.

13 Q And how would you know that a partner asked for a transfer  
14 to a different location?

15 A Danny shared with me that they would.

16 Q Do you know if he was -- if his transfer request was  
17 granted?

18 A It was not at the time, because there was no open  
19 opportunities or a business need at the location that they  
20 wanted to go to.

21 Q And what location was that?

22 A Elmwood.

23 Q And how did you know that there was no business need at  
24 the Elmwood location for Danny to transfer to as a shift  
25 supervisor?

1     A     Michaela, the district manager, informed me. And we  
2     additionally had just taken on another partner from that  
3     location as a shift supervisor, as they currently did not have  
4     any needs and were overstaffed.

5     Q     Was he given any other options?

6     A     We shared that we could wait as a hold and see when  
7     there's an opportunity that arises, as transfers don't expire.

8     Q     Do you know if he was ever transferred to the Elmwood  
9     location as a shift supervisor?

10    A     Not that I'm aware of.

11    Q     Could he have returned to work with -- could --

12           MS. POLITO: Strike that.

13    Q     BY MS. POLITO: Could he have transferred to Elmwood as a  
14    barista?

15    A     I provided that option, and they said that they would not  
16    demote themselves.

17    Q     And if he had re -- if he had given up the shift  
18    supervisor to work at another store as barista, would that have  
19    been a reduction in pay?

20    A     It would've been a reduction in pay.

21    Q     Are you aware of whether or not, during the time that  
22    you -- sorry, the Sheridan and Bailey store -- if Mr. Rojan  
23    (sic) was -- had any dress code violations?

24    A     From what I remember, there was an issue with their  
25    shorts.

1 Q Did you have a conversation about that?

2 A I did not have that conversation.

3 Q Did you observe Mr. Rojas wearing shorts?

4 A Yes.

5 Q Do you know if he was disciplined for that?

6 A I wasn't part of those discipline conversations, but I  
7 believe that the SM did. The store manager.

8 Q And would the store manager typically loop you in as  
9 district manager, in terms of what disciplinary issues were  
10 occurring at various stores?

11 A As an inform, yes.

12 Q Did you ever have a conversation with Danny Rojas about  
13 certain pins that he was wearing?

14 A I don't remember the pins that they were, but they weren't  
15 allowed ones.

16 Q Do you recall whether or not Danny was disciplined at all  
17 for wearing pins?

18 A I don't know if they were disciplined.

19 Q Are you aware of any other conduct that Danny engaged in  
20 where he could've been disciplined, but was not disciplined?

21 A Yes.

22 MS. PENDER STANLEY: And what is that relevance?

23 JUDGE ROSAS: Repeat the question.

24 MS. POLITO: Are you aware of any other conduct that Danny  
25 engaged in that could have resulted in discipline, but did not

1 result in discipline?

2 JUDGE ROSAS: I'll allow it.

3 A Danny made fun of me when I was supporting the store.  
4 They made crude remarks.

5 Q BY MS. POLITO: And did you --

6 JUDGE ROSAS: Hold on a second. Hold on one second.  
7 Let's go off the record for a second.

8 (Off the record at 9:55 a.m.)

9 **RESUMED DIRECT EXAMINATION**

10 Q BY MS. POLITO: Ms. Case, you have been using the pronouns  
11 they and them. And -- and what are you referring to when you  
12 use those pronouns?

13 A Danny Rojas.

14 Q And -- and how do you know that Danny Rohou -- Rojas  
15 prefers the pronouns they and them?

16 A I asked the pronouns that they prefer to be identified as.

17 Q Thank you.

18 For the incident that you just described, did you issue  
19 any corrective action to Danny Rojas?

20 A No.

21 Q Why not?

22 A I found it as an educational opportunity to share how to  
23 create a welcoming environment and how we should treat each  
24 other with respect and dignity.

25 Q Were you aware that Mr. Ro -- that Danny Rojas was a Union

1 supporter at the time?

2 A Yes.

3 Q And how were you aware of that?

4 A Danny shared it with me.

5 Q What did he share with you?

6 A That they support the Union.

7 Q Are you aware of a partner named Rachel Cohen?

8 A Yes.

9 Q And how?

10 A Rachel Cohen is a shift supervisor at Sheridan and Bailey.

11 Q Are you aware of a time when Rachel Cohen attempted to  
12 pick up a shift at another store?

13 A Yes.

14 Q And what happened?

15 A Rachel texted me to pick up a shift at her fiancé's store.

16 Q Who is her fiancé?

17 A I don't remember his name.

18 Q And what, if anything, did you say to Ms. Cohen about  
19 that?

20 A I shared with them that I was on my way to the store, and  
21 I would check in with the partners and the store manager to see  
22 if there was a need.

23 Q Did you tell Ms. Cohen that she could not pick up a shift  
24 at that store?

25 A I shared I would take care of it.



1 Q Do you know if Ms. Cohen had followed the process of  
2 requesting approval from her store manager about picking up the  
3 shift?

4 A She did not reach out to her store manager.

5 Q Do you recall seeing Union flyers in the stores that you  
6 were overseeing as support district manager, and then later as  
7 district manager?

8 A Yes.

9 Q Where were those flyers typically located?

10 A In the partner break area.

11 Q Do you know if Starbucks has a policy, with respect to  
12 postings?

13 A There is no solicitation in our stores.

14 Q And where is that policy located?

15 A In the partner guide.

16 Q Where in the partner guide?

17 A I believe it's page 36.

18 Q I'm going to direct your attention to GC-140, which is  
19 introduced into evidence. Is that what you were just referring  
20 to?

21 A Yes.

22 Q And is that for each barista, in the partner guide?

23 A Yes.

24 Q And was there a time when you were in any of the stores  
25 where you relocated Union flyers?

1 A Yes.

2 Q And tell us about that.

3 A They were all over the fridges, blocking the delivery  
4 schematics that we use for our dairy and food delivery. We  
5 reset the store to organize and to make it easy for deliveries,  
6 and we relocated them to the partner area next to the manager's  
7 workstation.

8 Q Do you recall what store that was?

9 A Sheridan and Bailey.

10 Q Were there any other stores where you had to do that?

11 A No.

12 JUDGE ROSAS: You referred to General Counsel's Exhibit  
13 140?

14 MS. POLITO: Correct, Judge, which is the partner guide.

15 Q BY MS. POLITO: Do you recall a partner by the name of  
16 Victoria Conklin?

17 A Yes.

18 Q And how do you recall that partner?

19 A Victoria was a shift supervisor at the East Robinson  
20 location.

21 Q Did you have any occasion to discipline Ms. Conklin?

22 A Me? No.

23 Q Were you aware of whether or not Ms. Conklin was  
24 disciplined at any time?

25 A I believe that they were, but I don't remember.

1 Q If Ms. Conklin was disciplined, you wouldn't -- you  
2 weren't involved in that particular discipline; is that  
3 correct?

4 A Not that I remember.

5 Q Do you recall a partner by the name of Brian Murray?

6 A Yes.

7 Q And how do you recall Mr. Murray?

8 A Brian was a barista, or is a barista, at the Lancaster  
9 location.

10 Q Did you have occasion to discipline Mr. Murray?

11 A I was a witness to a conversation about the dress code.

12 Q And what was that conversation about the dress code?

13 A Failure to follow a dress code after being coached, and  
14 continued to not follow that protocol.

15 Q And when you say you were a witness, what does that mean?

16 A The assistant store manager was having the conversation  
17 with the partner and asked if I could sit in.

18 Q Can you take a look at GC Exhibit 102?

19 A Okay.

20 Q Do you recognize that document?

21 A It looks like a standard documentation that we provide for  
22 failure to follow dress code.

23 Q Under the section title, statement of situation, does that  
24 describe the dress code sit -- issue that we were just  
25 discussion -- discussing?

1 A Yes.

2 Q And would you have typically signed the corrective action  
3 notice?

4 A Not always.

5 Q Do you recall as you sit here today whether or not you  
6 signed a corrective action notice for Mr. Murray, with respect  
7 to the dress code issue on November 16th, 2021?

8 A I don't remember.

9 Q Was Mr. -- do you recall if Mr. Murray was asked to go  
10 home?

11 A Yes.

12 Q And did he then go home?

13 A Yes.

14 Q Did he -- did he return to work?

15 A No.

16 Q Was it customary practice, if a partner was out of dress  
17 code, to ask them -- or to give them the opportunity to go home  
18 and change?

19 A Yes.

20 Q With respect to mobile ordering at any of your stores, who  
21 has the authority to shut off mobile ordering?

22 A The store managers and district managers.

23 Q Would shift supervisors have any authority to shut off  
24 mobile ordering?

25 A They can request it through their store manager or



1 district manager.

2 Q Were shift supervisors allowed to turn off any channel  
3 and -- during the time that you were in the Buffalo market?

4 A No.

5 Q And was that consistent with your practice in Long  
6 Island -- when you started as a district manager in Long  
7 Island?

8 A Yes.

9 Q If a store needed to be closed for any -- any operational  
10 reason, what approval needed to take place for that to happen?

11 A To inform the store manager of what was occurring in the  
12 location, and they would inform the district manager.

13 Q And who would have approval to close the store?

14 A The district manager would give approval.

15 Q Did you ever direct any of your managers to instruct  
16 partners that they could not talk about Union activity?

17 A No.

18 Q Are you aware of anyone else instructing any of the store  
19 managers or support store managers that reported up to you to  
20 direct partners not to talk about Union activities?

21 A No.

22 MS. POLITO: If I could just have a minute, Judge?

23 No further questions, Your Honor.

24 JUDGE ROSAS: General Counsel?

25 **CROSS-EXAMINATION**



- 1 Q BY MS. PENDER STANLEY: Hi, Ms. Case.
- 2 A Hi.
- 3 Q Could you tell me again what your current role is?
- 4 A Senior operations consultant manager for partner safety
- 5 and programs.
- 6 Q Okay. And when did you start in that role?
- 7 A June.
- 8 Q June, this year?
- 9 A Um-hum.
- 10 Q I'm sorry, you have to say yes or no.
- 11 A Yes.
- 12 Q Thanks. And what was your position before June of this
- 13 year?
- 14 A District manager.
- 15 Q Where was that?
- 16 A Albany.
- 17 Q That's where I'm from.
- 18 A Um-hum.
- 19 Q And when were you district manager in Albany?
- 20 A It was March until May, when I started this new role.
- 21 Q Okay. And is your current role a step up from a district
- 22 manager role?
- 23 A It's a lateral.
- 24 Q Lateral?
- 25 You talked earlier about a prior occasion where you acted

1 as a support district manager on the upper east side?

2 A Yes.

3 Q At that time, how many other support managers were brought  
4 into that -- that market?

5 A I had one that helped support the market on Long Island.

6 Q Okay. And what about when you were on the upper east  
7 side?

8 A Because it was a shorter interim, I didn't need one.

9 Q Who -- you were asked about Will Westlake. You talked  
10 about an incident where he hadn't done proper protocols to  
11 switch shifts; you ended up sending him home from Sheridan and  
12 Bailey. How many other partners did you send home for not  
13 properly switching shifts when you were in Buffalo?

14 A In Buffalo, I hadn't seen any other that did not follow  
15 it.

16 Q As a district manager, would the store managers reporting  
17 to tell you every, single time they issued a discipline to a  
18 partner?

19 A No, as I was not the main district manager.

20 Q When you were -- when you were the district manager -- I  
21 think you said in January?

22 A Um-hum?

23 Q At that point, would they tell you about each discipline  
24 they had issued?

25 A I'm not sure if they always did.

1 Q When Rachel Cohen texted you about picking up a shift at  
2 her fiance's store, did you tell her to reach out to her store  
3 manager?

4 A I shared that I would.

5 Q Do you know why she texted you instead of reaching out to  
6 the store manager?

7 A I did ask that, and she said it's because she just saw me  
8 at the store.

9 Q You were asked about Victoria Conklin.

10 A Yes.

11 Q And I believe you said you never disciplined her yourself,  
12 right?

13 A Correct.

14 Q But you did meet with her on a couple of occasions?

15 A Yes.

16 Q You met with her in February at one -- at one time?

17 A Yes.

18 Q And then with her and her manager, Keita Clark, later that  
19 month?

20 A Yes.

21 Q And the first occasion that you met with her in February,  
22 you offered her some conflict resolution tips?

23 A Yes.

24 Q And then the second time, you had a conversation with her  
25 and Keita Clark at the East Robinson store?



1 A Yes.

2 Q And during that conversation, Ms. Conklin went through a  
3 list of issues that you had suggested she write down so you  
4 could mediate a conversation?

5 A Yes.

6 Q And at some point, you ended that meeting and sent Keita  
7 Clark home for the day?

8 A Keita Clark was already done for the day.

9 Q Why did you end the conversation when you did?

10 A The conversation was over.

11 Q And during that conversation, Victoria Conklin talked  
12 about some discomfort with how Keita Clark treated her peers;  
13 is that right?

14 MS. POLITO: Objection, outside the scope of direct  
15 examination.

16 JUDGE ROSAS: Hold on one second. It's in the realm.  
17 Overruled.

18 You can answer.

19 A Can you repeat?

20 Q BY MS. PENDER STANLEY: Isn't it correct that Victoria  
21 Conklin expressed in that meeting discomfort with how Keita  
22 Clark treated her peers?

23 A She referenced it, but wasn't able to give any facts.

24 Q She didn't talk about an employee named Beth (phonetic  
25 throughout)?

1 A She did talk about Beth, but could, again, not give any  
2 exacts or inform that could substantiate any of her  
3 information. Or validate it.

4 Q But she also talked about issues with staffing and  
5 schedules?

6 A Yes.

7 MS. PENDER STANLEY: I have nothing further.

8 JUDGE ROSAS: Anything?

9 MS. POLITO: No redirect, Judge.

10 JUDGE ROSAS: All right. Your testimony's concluded. Do  
11 not discuss your testimony with anyone until you're advised by  
12 counsel that the case is over, all right?

13 THE WITNESS: All right.

14 JUDGE ROSAS: Have a good day.

15 THE WITNESS: You, too.

16 MS. POLITO: Judge, could we have about 15 minutes before  
17 our next witness please?

18 JUDGE ROSAS: Okay.

19 (Off the record at 10:10 a.m.)

20 JUDGE ROSAS: On the record.

21 MS. POLITO: Respondent calls Kristina Mkrtumyan to the  
22 stand.

23 JUDGE ROSAS: Okay. Pronounce it for me again?

24 MS. MKRTUMYAN: [M-kr-tu-men].

25 JUDGE ROSAS: [M-kr-tu-men]. Mkrtumyan. Okay.



1 Whereupon,

2 **KRISTINA MKRTUMYAN**

3 having been duly sworn, was called as a witness herein and was  
4 examined and testified as follows:

5 JUDGE ROSAS: All right. State and spell your name and  
6 provide us with an address.

7 THE WITNESS: My name is Kristina. It's K-R-I-S-T-I-N-A.  
8 My last name is Mkrtumyan, and it's M-K-R-T-U-M-Y-A-N.

9 MS. POLITO: And Your Honor, we'll accept service with any  
10 speaking --

11 JUDGE ROSAS: Okay.

12 MS. POLITO: -- on behalf of our witness.

13 **DIRECT EXAMINATION**

14 Q BY MS. POLITO: Good morning.

15 A Good morning.

16 Q Do you mind if I call you MK?

17 A I do not.

18 Q MK, where are you currently employed?

19 A Starbucks Coffee Company.

20 Q And how long have you worked for Starbucks Coffee Company?

21 A I celebrated my eight years this summer.

22 Q What role did you begin with at Starbucks Coffee Company?

23 A I started as a barista in Northern Virginia.

24 Q And what was your career path from there?

25 A I was a barista for about six months, and then took on a



1 shift supervisor role that I held for maybe another six or  
2 seven months. I became a shift supervisor and was promoted to  
3 assistant store manager, also known as ASM. And I held that  
4 role for about nine months on that same location in Reston,  
5 Northern Virginia.

6 After the nine months of assistant store manager, I became  
7 a store manager of that same location and was in that role for  
8 approximately two-and-a-half years at a variety of locations.

9 Q And so do you recall what -- about what year you became  
10 a -- what year you became a store manager?

11 A I believe that was around 2016, 2017.

12 Q And how many stores did you work in as a store manager?

13 A Around 10 or 11.

14 Q And generally, were your job duties as a store manager the  
15 same for each store that you worked in?

16 A That is correct.

17 Q And generally, can you tell us what those duties were?

18 A Yeah. As a store manager, I was responsible for customer  
19 experience in my location, for my partner experience, and for  
20 overall operational business in my location.

21 Q Did you ever work in a support role during the time that  
22 you were a store manager?

23 A I did. My first support role was -- I started dual  
24 managing, which was, I was a support manager for an ASM of my  
25 secondary location, who was doing that for about four months.

1 I was acting as a district manager support, which was a stretch  
2 assignment in support all my district.

3 Q What do you mean when you say "stretch assignment"?

4 A When someone is on their developmental path, and when --  
5 at Starbucks, you're able to look at the development as where  
6 are you in your journey from learning, owning, to advising.  
7 And when someone is aspired to do something else or more, they  
8 develop through -- and their leader's responsibility is to  
9 create opportunity to learn and develop a new skill.

10 Me wanting to grow into a district manager role, my  
11 district manager gave me an opportunity to take more  
12 responsibilities than -- that might normally would happen to a  
13 store manager.

14 Q But is a stretch role different than a TLA?

15 A Yes, ma'am, it is.

16 Q How?

17 A TLA is a posting for full responsibility and scope of the  
18 role you are in at the time of that assignment. The role would  
19 be posted. You would apply for it as a candidate. You would  
20 be interviewed as a candidate. And then if you're selected,  
21 then TLA comes with increase in pay, it comes with,  
22 potentially, a timeline to that assignment. Versus stretch  
23 role, you're staying in the same paygrade -- which was, for me,  
24 a store manager -- but you take more responsibility.

25 Q How long did you stay as a store manager? For how many

1 years?

2 A It was collectively three years, but I had another role in  
3 between. So after two and a half years, I took another role,  
4 then came back to the store manager role.

5 Q What was the other role that you took in between?

6 A I was operational coach -- or also ops coach -- in  
7 Philadelphia, PA.

8 Q Can you tell us what an operational coach -- coach's job  
9 duties are?

10 A It evolved a little bit since 2018. But 2018 was the  
11 first time we created the role for Philadelphia market. And my  
12 specific responsibility was to get -- we're going to go back to  
13 learning, owning, and advising. My job was to take my  
14 portfolio of stores, which was seven, and the leaders that were  
15 working within can get there from learning their approach to  
16 owning it in 100 days.

17 Q And you said that it was the first time the role was  
18 created. Why was the operations coach position created for the  
19 Philadelphia market in 2018?

20 A In April of 2018, we had an incident that was pretty  
21 public in national news in a Philadelphia stores -- I believe  
22 it was Spruce store -- between a customer and a partners.  
23 Specifically, our partners did not allow a customer to use the  
24 restroom.

25 With that, we -- and by we, I mean Starbucks corporate and

1 senior initiatives learned that we do not have culture that  
2 Starbucks is known for in our stores. And that actually  
3 impacted the whole country. The way we train, the way we look  
4 at urban markets, and many other things. So for that reason,  
5 we needed support, and specifically, operational support,  
6 neutral support within Philadelphia market. And that's what I  
7 was told.

8 Q How long were you in that role as operational coach in  
9 Philadelphia?

10 A I was there for four month.

11 Q Were there other corporate executives in the market during  
12 that time period?

13 A Yes.

14 Q Who?

15 A My director at the time was Marcus Eckensberger, who was  
16 also brought in specifically for that market, as the market  
17 needed support. We had partner resource director come in,  
18 which was Nathalie. We had our vice president from mid-  
19 Atlantic, Camille Hymes, who would -- ended up relocating there  
20 for a couple of months to support and help rebuild the market.  
21 I've also got to meet -- I will not remember his last name, but  
22 at the time, I believe he was a senior executive of North  
23 America. His name's Chris (phonetic throughout). Rossann  
24 Williams. I do not remember the title she held at the time.  
25 And I believe Howard came in for a couple of days during the --

1 during that process, as well.

2 Q You just referred to a woman by the name of Nathalie.  
3 What is Nathalie's last name?

4 A Cioffi.

5 Q Was that the first time that you met Ms. Williams, back in  
6 Philadelphia in 2018?

7 A I believe so, but I'm not sure.

8 Q Okay. And -- and you -- tell us what you did for the four  
9 months that you were in Philadelphia as an operations coach to  
10 assist that market.

11 A So my role was to educate and help store managers to be --  
12 within operations. So operational piece of store manager  
13 approach consists with a four dimension. We call it dimension,  
14 but it's really the job description and operations. And that  
15 is staffing and scheduling, so teach and coach anything within  
16 staffing and scheduling dimension.

17 The second dimension I was working on was teaching and  
18 training. Again, anything to do with training our partners,  
19 all the way to training them, themselves.

20 Followed by sales and inventory. Anything around  
21 deliveries, products, systems parts.

22 And lastly, our standards in continuous improvement. That  
23 would include things like management standards and procedures,  
24 including this in our stores consistently, would relate to it.

25 Q When you were in the Philadelphia market in 2018, how were



1 the districts divided?

2 A At the time I arrived, they already made four districts.  
3 So originally, there were three. And when Marcus Eckensberger  
4 took over the market, he realized there was a need to decrease  
5 span and increase capacity for the district managers. So he  
6 brought in a four district managers and made four districts.

7 Q Do you know how many stores each district manager was  
8 assigned once it was realigned from three districts to four  
9 districts?

10 A I know an approximate number. I believe the Philadelphia  
11 market collectively had 30 locations. So each DM had a span of  
12 between six and nine, dep -- depending on complexity and safety  
13 for those locations.

14 Q What was your next role with Starbucks?

15 A After leaving Philadelphia in my time limited assignment,  
16 I returned -- title was a store manager, store manager support,  
17 really. And I did that role for six month in six different  
18 locations.

19 Q And what did you do as store support manager for that six-  
20 month period while you were in North Virginia?

21 A It really depended on one of the six locations. It varied  
22 from potentially training a new leader that was intended to be  
23 a leader of that store. Or if a leader already was present,  
24 just helping them potentially level set in the store, ensure  
25 operations are in place. Similar work that I did in

1 Philadelphia, but now, my old market to assist them and  
2 support.

3 Q And just as far as manager support in the North Virginia  
4 market during that time period, did each of the stores have  
5 their own dedicated store manager?

6 A Either immediately upon my arrival to the store or within  
7 the first two weeks of me being in the store.

8 Q What -- what does it mean when you use the word "level  
9 set"?

10 A Sometimes, we find a need to ensure that partners are  
11 clear on our policies, procedures, and expectations. In some  
12 scenarios, when we didn't have a leadership present, or a  
13 leader did not do what they were supposed to do, meaning  
14 specifically the store manager, we'd find gaps in operations  
15 and culture. And in order to correct that, we'd bring someone  
16 who can support it and really connect to partners and share  
17 with them what standard is and teach them. So then, we could  
18 start coaching and executing what Starbucks is all about.

19 Q During the time that you were in Philadelphia as an  
20 operations coach, was there any level reset done?

21 A They mentioned it at all the seven stores I was a part of.

22 Q Can you tell us what that looked like?

23 A Yes. Specifically for my seven and a few of my peers --  
24 ops coaches did similar in their own capacity. But for my  
25 seven stores, I went in order of the dimension that I shared

1 with you. Staffing and scheduling, continuing training, sales  
2 and inventory and up to standard.

3 First, the level set on staffing and scheduling --  
4 specifically, I spent time with every store manager going over  
5 policies around our schedules. And the expectation being  
6 they're posted a few weeks out. Why are they posted a few  
7 weeks ago? Really leaning into that teaching.

8 Then, we pulled out the actual tool. At the time, it was,  
9 I believe, GLS (phonetic throughout) maybe, for scheduling.

10 Q And -- and that was going to be my next question. The  
11 tool at the time for scheduling was TLS?

12 A I believe it was GLS --

13 Q Okay.

14 A -- but it was not yet partner hours.

15 Q And -- and you were telling us how you level reset with  
16 the staffing and scheduling at that time. What about with  
17 teaching and training? Was there level reset with that, as  
18 well?

19 A There was. We really leaned into policies with our  
20 partners, such as, in order for staffing and scheduling to be  
21 successful, you have to revisit things like time and  
22 attendance. And ensure the partner is super clear on what is  
23 expected and what they're accountable to. Followed by rules  
24 and routines, deployment on the floor, and many other things  
25 that would be under their job description as a barista or a

1 shift supervisor.

2 Q Was there also a level reset with respect to sales and  
3 inventory?

4 A Yes, we -- it's Philadelphia market, so we had to get  
5 creative with where our storage is. Almost in all of mine,  
6 with the exception of two that had a larger back rooms, we  
7 ended up rebuilding all of the shelves and resetting the back  
8 of house. Then adding parts. Ensuring that they match our  
9 plans that Starbucks has in place.

10 And then all seven stores had to adjust the layout in --  
11 for back line, which is really the production piece -- space.

12 Q Does Starbucks come up with a standard layout from time to  
13 time as to how the inventory should be stored or how the front  
14 of the stores looks?

15 A Yes. We have a standard for every station.

16 Q And how often is that modified or updated?

17 A I would say at least once a year we have some sort of  
18 update towards what's next and how we could do better.

19 Q When you were -- had returned to North Virginia as a  
20 support store manager, did you have to engage in any type of  
21 level resets there?

22 A Yes. At that point, I was in advising stage of level  
23 setting. And it really became my week 1 in any location. My  
24 week one would be spent meeting with every single partner one-  
25 on-one and going over our main policies and procedures that

1     either are very typical to violate or so rare to violate that  
2     the partner might not have paid attention to them. And I would  
3     revisit those policies individually with every single partner  
4     within the first week of me being in the store.

5     Q     What was your next role after being a store support  
6     manager in North Virginia for that six-month period?

7     A     I became a district manager TLA in Washington, DC

8     Q     And a TLA is what?

9     A     And TLA is time limited assignment.

10    Q     And is that 89 days, 90 days, or three months? Or all  
11    three?

12    A     It depends. My TLA, specifically, was originally six  
13    months. That was what the offer was post-interview. It is not  
14    a 89-day assignment. And in that moment, 89-day assignments  
15    did not exist, because we had different procedure.

16    Q     So we -- what is an 89-day assignment currently at  
17    Starbucks?

18    A     We have a career progression policies in place. And  
19    that's if we have a hire and promote, whether it's internal or  
20    external. Part of it is anything below -- over 90 days, we are  
21    to post an interview and then have a diversity of candidates to  
22    make the very best decision for selecting the candidate.

23           Anything other than 90 days, which consists of 89 or less,  
24    we do not have to post or interview for. And that can just,  
25    very specific, if I need somebody tomorrow in the store,

1     because someone unexpectedly went on leave of absence, I have  
2     the ability as a leader to make a decision to place someone for  
3     89 days to create that space for me to hire the candidate that  
4     should be there eventually.

5     Q     And how long is that practice and policy been in place at  
6     Starbucks?

7     A     For about two years.

8     Q     Going back to your time as district manager in Washington,  
9     DC, tell us what your job duties were as district manager.

10    A     The district manager, I was responsible for partners in my  
11    portfolio, customer experience, and overall portfolio  
12    responsibilities, dual lens of business, metrics, and  
13    performance.

14    Q     And how many stores did you have in the Washington, DC  
15    market?

16    A     My lowest count was 6, and my highest count was 14.

17    Q     And why did that vary?

18    A     Due to multiple factors, such as closure and openings.  
19    But to tell the storyline, it -- I had eight stores when I  
20    started. Then, in 2020, I ended up closing a location  
21    permanently.

22           Then, we realigned as an area, so I lost a store and  
23    picked other stores up, putting me at eight or nine. And then,  
24    I moved manage for four month. Including, we had 14 locations  
25    between the two districts.

1 MS. POLITO: Bless you.

2 Q BY MS. POLITO: Why was the store -- why was the store in  
3 the Washington, DC market closed permanently?

4 A So there were two factors that closed two stores, and one  
5 store closed -- part of our normal business and operation is  
6 every year, where we review performa (phonetic throughout) for  
7 stores in the market. And look at what store has been  
8 contributing to the bottom line, and for whatever reason is.

9 And that specific store was 16th and K. And that's been  
10 on the list now for about two years at that point as a store  
11 that was not contributing to a bottom line, and things were not  
12 improving. So it was slated to close as a planned closure for  
13 about two years, collectively.

14 The second store I closed, there was a different reason.  
15 It was really impacted by COVID. The patterns changed in  
16 downtown DC, and that store -- it was easier and the right  
17 thing to do for our customers to close it all together, and  
18 then allow that flow of customers to go a block either  
19 direction, versus keeping that location open. So we closed it  
20 due to COVID and customer shift.

21 Q You mentioned the word "realignment" again. Was the  
22 realignment different in DC than it was in Philadelphia? And  
23 if so, how?

24 A By the time I got to DC, my regional director has already  
25 decreased amount of stores per DM to get increasing capacity

1 and consider things like safety and security. So I already  
2 walked in in a smaller district than district manager in  
3 Virginia, for example.

4 But as a normal practice, we look at our area  
5 approximately once a year to say, do we need to make shifts or  
6 changes? And we did it while I was a district manager two  
7 times as an area.

8 Q Which two times did -- did you do that as a district  
9 manager?

10 A The first time was -- I believe it was in 2020. We closed  
11 collectively about 20 stores within the market, out of the 100  
12 that we had. So with that, the span needed to change. We lost  
13 the district manager -- by "lost", I mean he got a promotion.  
14 And that allowed us to then lose a DM, we lost 20 stores, we  
15 realigned to make sense of how many stores per DM each had.

16 And then the second time we realigned -- because now, we  
17 lost 20 stores as a market. So our regional director picked up  
18 20 stores from Northern Virginia to put him back at 100. And  
19 due to that, we now added a district back on in Northern  
20 Virginia.

21 Q The first time that you just mentioned about the  
22 realignment -- was that in the Washington, DC area?

23 A That is right.

24 Q And the second time was when you were in North Virginia?

25 A I was still a district manager when we had planned and



1 created lines to pick up Northern Virginia.

2 Q How did you -- it come about that you came to Buffalo, New  
3 York?

4 A That same regional director that I had -- his name is Adam  
5 Modzel, called me labor day weekend of 2021 and asked if I  
6 would be interested/willing to go to Buffalo for about 89 days.

7 Q And did he tell you what role that you would be coming to  
8 Buffalo in?

9 A He did.

10 Q And what was that?

11 A District manager.

12 Q Did he talk to you about any union activity when he talked  
13 to you about coming to Buffalo?

14 A He did not.

15 Q Were you aware of whether or not there was any Union  
16 activity in Buffalo in September of 2021?

17 A Yes, very little.

18 Q And how were you aware?

19 A I saw something in the news, and -- and I believe it was  
20 the Dear Kevin Letter and an article attached that I didn't  
21 finish reading.

22 Q Did you have any questions to -- with --

23 MS. POLITO: Strike that.

24 Q BY MS. POLITO: Did you talk with Adam about any  
25 expectations or how the Buffalo operations would work prior to

1 coming to the Buffalo market?

2 A Our conversation lasted about five minutes, and he did not  
3 give have answers to most of my questions. So instead, he just  
4 put me in touch with my new regional director, and that's when  
5 I got to ask questions.

6 Q And who was the new regional director?

7 A The new director I would be reporting to was Deanna  
8 Pusatier.

9 Q And did you speak with Deanna about your -- the assignment  
10 in the Buffalo market?

11 A Also very briefly on the phone. And yes, I did.

12 Q And did -- during that conversation, did the two of you  
13 talk about any Union activities?

14 A We did not.

15 Q Were you told what your role as district manager  
16 supporting the Buffalo market would look like?

17 A Yes.

18 Q And what were you told?

19 A That my role and responsibilities are the same as they  
20 were in that moment.

21 Q Were you considered a support district manager? Or were  
22 you moving to Buffalo to take on a district manager role?

23 A As a district manager.

24 Q What's your current title?

25 A Partner resource manager.



1 Q And what are your job duties as partner resource manager?

2 A Partner resource manager, or I might also refer to it as a  
3 PRM during this conversation. I am supporting two regions and  
4 two regional directors in the proximity of a business partner.  
5 And my responsibility would include strategies with them, being  
6 the top process partner, thinking about staffing at every  
7 level. I would be included in decisions like realignment and  
8 others.

9 Q In your role as partner resources manager today, do you  
10 support the Buffalo market?

11 A I do.

12 Q And how long have you held that role?

13 A Since May of 2022.

14 Q Do you remember the day that you first arrived in Buffalo,  
15 New York?

16 A I do.

17 Q What day was that?

18 A That was September 7th, 2021.

19 Q And when you arrived in Buffalo, what district were you  
20 assigned to?

21 A District 362.

22 Q And how many stores were in that district?

23 A 13.

24 Q Do you know what those stores were?

25 A Yes.



1 Q Can you tell us what they were?

2 A Yes. It was 7318, and that's University of Buffalo or UB.  
3 It was 7327, Niagara Falls Boulevard, or also referred to as  
4 NFB. It was 7337, Transit & Maple. 7381, which is Elmwood.  
5 7448, which is Delaware & Chippewa, or also DelChipp. 7486,  
6 Hamburg. 7665, Depew. 7799, Del-Ken. 7938, Williamsville  
7 Place. 10750, Transit Commons. 23917, Genesee or Airport.  
8 59087, Camp Road. And 63771, Orchard Park.

9 Q Did you visit those stores upon your arrival in the  
10 Buffalo market?

11 A In my first week, I visited 12 out of 13 locations.

12 Q How come you didn't visit the last location?

13 A During, like, the half of the week that I arrived -- as I  
14 started on Wednesday -- and the following week, a store manager  
15 of 7665 was on vacation for that whole duration of time. And I  
16 didn't feel like it was the right thing to do to go in the  
17 store without being introduced by the leader of the store.

18 Q And at some point, did the leader return from vacation?

19 A Yes, he did.

20 Q And who was that?

21 A Nick Tollar Genair (phonetic throughout).

22 Q And did you then visit that store?

23 A I did. That some Monday he returned.

24 Q And tell us generally what your observations were, with  
25 respect to the Buffalo market, based on your experience at

1 Starbucks in other markets.

2 A The stores were in terrible condition, from -- from  
3 facilities to operational pieces that we talked about.  
4 Staffing and scheduling, teaching and training, sales and  
5 inventory, up to standard and continuous improvement. And I  
6 said -- describe my job duties. Partners were not happy  
7 working, or we were short-staffed so significantly. It was  
8 hard.

9 But I think about customers and my responsibility to our  
10 customers. We had really low customer connection. And my  
11 experience in the drive-thru, it took me 32 minutes to get a  
12 beverage, which, quite frankly, is unacceptable for -- for  
13 Starbucks.

14 And lastly is business and business performance was -- was  
15 just not like expected.

16 Q How often did you frequent the stores in the Buffalo  
17 market when you were the district manager?

18 A I would teach at each store either every week or every  
19 other week, outside of my vacation.

20 Q Was that different than what you did in the other markets?

21 A A little bit. Only because in DC, having primarily the  
22 seven stores as my average, I would see a store every single  
23 week outside of my vacation. Where here, with the larger  
24 scope, sometimes, I would not see a store within 10 to 14 days.

25 Q About what percentage of time did you spend in stores



1 while you were in the Buffalo market in the Fall of 2021?

2 A About 75 percent of my time.

3 Q Was that any different than in your prior role as district  
4 manager?

5 A No, ma'am.

6 Q At some point, did Buff -- the Buffalo market also  
7 realign?

8 A Yes, we did.

9 Q And when did that happen?

10 A It went into effect on January 3rd, 2022.

11 Q And how did -- did your role differ once the Buffalo  
12 market realigned?

13 A My role didn't change, but my scope did.

14 Q And how did your scope change?

15 A I went from 13 stores like we just discussed to 6  
16 locations.

17 Q And who were the other district managers at the time?

18 A Michaela Murphy and Greta Case.

19 Q When you first arrived in the Buffalo market, about how  
20 many stores were in the market, that you were aware of?

21 A Buffalo had 20 locations.

22 Q Did that change after August of 2021?

23 A It did. We closed a store, which was inside of the mall  
24 at Walden & Anderson. And then, we opened a store, I believe  
25 in February of this year in Tonawanda, New York, bringing us

1 back to 20. But there was a period of time that there was only  
2 19.

3 Q And when you say "the store that was closed", is that the  
4 Walden Galleria kiosk?

5 A Yes, ma'am.

6 Q And the Tonawanda store, is that a new store?

7 A It was a new store opening. Yes, ma'am.

8 Q And is that the correct way to refer to it? Tonawanda?

9 A To the best of my knowledge.

10 Q Do you know that store number off the top of your head?

11 A I do not at this time.

12 Q Well, tell us about the different type of stores in the  
13 Starbucks area, in terms of channels.

14 Q Starbucks has a variety of channels. I will speak a  
15 little bit closer to what Buffalo has. Buffalo primarily has  
16 four channels that are more common. Out of our 20 store today,  
17 we have -- 16 of them, there are drive-thru. A "drive-thru"  
18 meaning they have a drive-thru channel, but they also all have  
19 a cafe and seating inside.

20 The other four locations, putting us at 20, are cafe-only.  
21 By cafe-only, again, I mean it does not have a drive-thru  
22 within the location.

23 All 20 stores have mobile order and pay as a channel and  
24 available. And I believe there's 7 out of 20 that have --  
25 would you call -- we call it Uber Eats. Uber Eats is just a

1 party -- a third party that we hired to create delivery  
2 accessibility for customers.

3 And then, lastly, only one store in this market has sort  
4 of a unique channel, which is a pickup window. And that's the  
5 Camp Road location.

6 Q How -- how does the pickup window at Camp Road work?

7 A I'll start with a description. The pickup window is  
8 exactly that. So you would walk up to the Camp Road store.  
9 You'll see front doors. On the left of the front door, and --  
10 you will see a patio. And then, it would be window, sort of,  
11 cut within the building where customers can place a mobile  
12 order and pick it through that window. They can sit in the  
13 patio and order. There's a register where they can order at  
14 the window. I -- I would think about it as a walk-thru versus  
15 drive-thru.

16 Q Like getting an ice cream cone at an ice cream stand?

17 A Your description is better, yes.

18 Q Is that an unusual channel to have at a Starbucks cafe?

19 A In my opinion, only because I've seen it in San Diego,  
20 which makes sense. They had a lot of pickup window. But it  
21 has different weather, so seeing it in Buffalo was a little  
22 surprising.

23 Q Is it closed for part of the year in the Buffalo market?

24 A I can only speak to my -- my -- my one winter experience.  
25 I believe I ended up closing that channel in Oct -- maybe end



1 of October, beginning of November of 2021. And we didn't  
2 reopen it to the public until about April of 2022, when it  
3 started getting warmer and started melted a little.

4 Q With respect to the 20 stores that we just talked about,  
5 do the store volumes differ?

6 A Very much so.

7 Q And how do they differ?

8 A Depending on channels, that might impact it largely. And  
9 it can be -- Hamburg versus Main Street is double the  
10 difference in volume.

11 Q For a typical shift in a Starbucks store, can you  
12 determine how many baristas are needed?

13 A No.

14 Q And why is that?

15 A Knowing that Hamburg makes only 50 percent of what Main  
16 Street would, and sometimes, even less than that, it's hard to  
17 say a typical, because the stores are so different and the  
18 volume is so different?

19 Q Is there a way to determine the typical number of baristas  
20 needed for any given store?

21 A Yes.

22 Q And how?

23 A We have a system that calls Partner Hours. In that  
24 system, store manager would craft and create the schedule with  
25 system support and really -- boundaries, if you would.

1 System's job is to project and calculate the needed staffing  
2 for a given half an hour of our day being open. And that's how  
3 store manager would know, okay, from 10 to 10:30, my store  
4 today needs eight people.

5 Q But is the Playbuilder tool used at all for that  
6 determination?

7 A More of a step 2. So from 10 to 10:30, it gets  
8 established for the system we need eight people. Then, I'll  
9 take that number, and I can put it into Playbuilder tool, which  
10 is in our -- our iPads. And the Playbuilder would then --

11 JUDGE ROSAS: Finish your que -- finish your answer.

12 A The Playbuilder then would tell where those eight people  
13 should go.

14 JUDGE ROSAS: Off the record.

15 (Off the record at 10:51 a.m.)

16 JUDGE ROSAS: Resume.

17 **RESUMED DIRECT EXAMINATION**

18 Q BY MS. POLITO: Is there anything else that helps a  
19 Starbucks store determine what typical staffing would be for  
20 that day?

21 A We have a complex labor system. It's very simple on the  
22 side of the store manager and calculates it for them. But  
23 often, it's a part of -- it used to be part of my normal job as  
24 a district manager to revisit the needed staffing for the --  
25 part of -- during a planning period visit that happens about

1 every nine weeks.

2 Q So you told us that there is a step 1 that talks about the  
3 labor system and how many partners are needed through Partner  
4 HUB. And then step 2 would be the Playbuilder tool to assign  
5 the staffing.

6 Is there anything else that a store manager uses to  
7 determine the appropriate staffing at a particular store?

8 A Collectively for the staffing, yes. And that would be the  
9 partner planning tool.

10 Q And what is the partner planning tool?

11 A Partner planning tool will help the district manager and  
12 the store manager to determine how many people -- how many  
13 partners do we need. And more specifically, how many hours  
14 should be available to work in a particular store.

15 Q And how is the partner planning tool used in determining  
16 hours for the partners in any particular store?

17 A General math of the partner planning tool is, we have a  
18 thing that is called earned hours. That's from step 1. The  
19 system projects labor. For simplicity of the math, we'll take  
20 a store that earns 400 hours a week. If the store is earning  
21 400 hours a week, the math is 150 percent of those hours should  
22 be available. Meaning that availability of our collective  
23 partners, whether it's 10 partners or 20 partners, should match  
24 to 600 hours being available, so we can then schedule the  
25 demand of 400.

1 Q And how do you know the availability of partners?

2 A Partners submit their availability upon starting with the  
3 company, and actually, even during the application in Taleo.

4 Q And are partners able to change their availability?

5 A They are.

6 Q And how do they do that?

7 A That same app, partner hours, is available to them in  
8 different capacity, to every partner in our stores. They would  
9 go in, they would submit their new availability, and then that  
10 request would go to the store manager.

11 Q And is there a requirement that they have to do that  
12 within a certain time period?

13 A The original one will be submitted before they even begin  
14 their first shift. And then they can keep it for as long as  
15 they want to. Or they may -- may request a change to it after  
16 six months.

17 Q And do they have to give a store manager a certain amount  
18 of notice before the availability change is either approved or  
19 denied?

20 A A minimum of 21 days to submit a request.

21 Q Why 21 days?

22 A Starbucks posts schedules three weeks in advance, and we  
23 would not be adjusting schedule that are posted due to partner  
24 change in their availability in the system.

25 Q Going back to that layout of the different stores in the

1 Buffalo market, are there different workstations at each store?  
2 Or are they designed to look and operate similarly?

3 A I would say that they -- there's certain station that  
4 are -- that are the same for the team purposes. But all of our  
5 stores have different design and layout.

6 Q And what is that based on?

7 A It's based anywhere from when we open the stores -- we've  
8 been in the cafe business for 50 years, so we have some old  
9 buildings versus the store that opened, Tonawanda, this year.  
10 It looks completely different.

11 The second thing it would depend on is also when was the  
12 renovation completely, potentially, last? Because with  
13 adjustment to channels, operations, adding things, we will be  
14 rebuilding that to accommodate it. A great example of it can  
15 be mobile order and pay didn't always exist. It launched maybe  
16 six years ago. So then, we started building a handoff stations  
17 for mobile order and pay in our stores.

18 Q Did mobile order and pay take off after the pandemic?

19 A Significantly.

20 Q Do you know about what percentage it increased after  
21 the -- after March of 2020?

22 A I would not know. You asked average. But I can speak to  
23 neighborhood locations within, kind of, my scope. At the time,  
24 an average store went up by 25 percent.

25 Q Is there a typical store management hierarchy at Starbucks

1 stores?

2 A There is not. There is a chain for leadership in the  
3 store, starting with the store manager. And there is one store  
4 manager.

5 Q Are there -- does every store have an assistant store  
6 manager?

7 A No, ma'am, they are not.

8 Q And why not?

9 A The way we'll look at assistant store manager, or ASM  
10 position, at Starbucks is it is a role to become a store  
11 manager. Which means even the training for a store manager and  
12 an assistant store manager -- it's the same.

13 Assistant store manager, number 1, really, job is to learn  
14 and grow within that space of an average of six month to a  
15 year. We call it roasting. And when we place an assistant  
16 store manager for their roasting time, we consider things like,  
17 where do they live? Is it a -- a proximity -- reasonable  
18 proximity to their house?

19 We consider things like what is our bench and talent, same  
20 partner plane, but now the store manager level. As a district  
21 manager, I would think about my future pipeline of talent. And  
22 then lastly, we think about where does that partner -- would be  
23 very best developed under which store manager?

24 Q Does every store have shift supervisors?

25 A In this market, yes.



1 Q And what are the duties of a shift supervisor?

2 A A shift supervisor runs majority of the shifts. About 70  
3 percent of our business is being run by a shift supervisor.  
4 And they are to run an effective play and create experience for  
5 partners and customers.

6 Q Do they have the authority to schedule baristas in the  
7 store?

8 A They do not.

9 Q Who has that authority?

10 A Assistant store manager and/or store manager.

11 Q And you just said that they run the play. What does that  
12 mean?

13 A I talked a little bit about Playbuilder. Playbuilder will  
14 share the play that should happen in the store. And the shift  
15 supervisor -- which you might also refer to as keyholder --  
16 will look at the play and deploy partners coming into -- on  
17 this shift to their appropriate position and adjust the app to  
18 reflect where partner is.

19 And then the second piece they will do through the shift  
20 is ensure that partners have a break during their -- the shift  
21 they're working.

22 Q When you arrived in the Buffalo market, were the stores  
23 that you were assigned to using the Playbuilder tool?

24 A They were not.

25 Q Do you know why not?



1 A I'm going to go back to, our store managers have not  
2 trained and because we started off store manager, the staffing,  
3 scheduling, deployment dimension was not happening, because  
4 they didn't even know how.

5 Q And did you take any steps to teach the store managers how  
6 to use the Playbuilder tool?

7 A Yes, I did.

8 Q And what were those steps?

9 A We did a couple of different meetings. First, to  
10 educate -- again, knowing that my store manager team was in the  
11 learning stage, my job was to teach. So I taught labor -- how  
12 labor gets calculated, how it then gets deployed, depending on  
13 channels in the store, where your customer transactions are  
14 coming from. And how all of it, then, calculates within the  
15 app.

16 The reason I did that to connect the dots, because if you  
17 do not understand how the app works, you'll most likely not  
18 trust it. So we first build trust in the systems with our  
19 store managers.

20 The second piece to that was ensuring that the store  
21 manager took that same steps with their shift supervisors in  
22 their stores.

23 Q Sticking with store management of the stores, you have a  
24 position called a barista trainer?

25 A We do.





1 Q Can you tell us what that position is?

2 A Yeah. A barista trainer is a barista who would be  
3 certified to train other baristas.

4 Q And how do they get certified?

5 A When a store manager identifies, potentially, a  
6 development conversation, that partner is, A, interested in  
7 doing a little bit more. And two, is meeting expectations.  
8 Meaning they're owning their own approach, and they're now  
9 getting through to advising, meaning I can teach others.

10 Then, the store manager and that partner would have a  
11 conversation and create a plan on completing training. And  
12 then, post-training, schedule an additional time to get  
13 certified.

14 Q Is it considered a promotion to move from barista to  
15 barista trainer?

16 A It is not.

17 Q Is there any job description for barista trainer?

18 A There is.

19 Q And is that a -- is that a position that's common  
20 throughout the country?

21 A Yes.

22 Q And you had that position in other markets?

23 A Yes. I had it, myself.

24 Q You yourself were a barista trainer?

25 A Yes, I was.



1 Q And how were you paid as a barista trainer?

2 A As a barista trainer, upon finishing somebody's training,  
3 you of course get your normal hourly rate. And in addition to  
4 it, there is a bonus that is associated upon completion of  
5 training a barista.

6 Q And what -- what would the typical time period to be -- to  
7 finish completion of training of a barista?

8 A In my time at Starbucks, it has shifted and changed. And  
9 currently, it's about two weeks total training.

10 Q Turning back to your current role with partner resources  
11 manager, can you tell us -- can you explain the partner  
12 resources department to us?

13 A I'll do my best. I would start with the way we refer to  
14 it as a partner resource department. It is the same as HR.  
15 And within that, we have sort of a PRM umbrella, which is a  
16 partner resource manager supporting to areas. I report to that  
17 partner resource director who supports that particular region  
18 that I work in. And then, she also has leaders above her that  
19 support larger and larger markets.

20 Then the other umbrella within the same HR category were  
21 the ethics and compliance. If you needed the compliance team,  
22 have -- will have partners that will really support and partner  
23 up, often with a partner like myself in PRM role. Or  
24 previously, I also partnered up with them in a DM role. They  
25 will support me in scenarios where there are things like

1 harassment or discrimination that would potentially have  
2 discovered in the -- in the location or in market.

3 A lot more -- department within is threat assessment.  
4 Threat assessment is a little less common and really only gets  
5 involved when we'd have a threat of violence or a possibility  
6 of a partner sharing that they want to hurt themselves or  
7 others. So we have specialists with different background in  
8 education and specialties with, specifically, psychology, who  
9 then will help the leader navigate through that and ensure  
10 partners are okay.

11 And we also have a department that supports -- I would say  
12 day-to-day performance in the U.S. So first step is people  
13 that would take an intake. And they work in partner resource  
14 support center, where a store manager or myself can call in for  
15 guidance.

16 Then, there -- within that same department, we have SPRA,  
17 being senior associate -- I don't actually know full  
18 abbreviation, but SPRA is a job title. And that title person  
19 would look and guide and give me a recommendation on a specific  
20 scenario by leveraging data across the U.S. and Canada to  
21 ensure we're being consistent across the country.

22 Q Is that the partner resources support center?

23 A Yes.

24 Q PRSC?

25 A Yes.

1 Q Are the -- is the partner res -- are --

2 MS. POLITO: Strike that.

3 Q BY MS. POLITO: Within partner resources support center,  
4 are they assigned to specific stores?

5 A They're not.

6 Q How does the -- how does that work, if a store manager  
7 wants -- calls into PRSC seeking sort of guidance on a  
8 disciplinary action? How is that assignment made?

9 A So the first step is they call, and they speak with  
10 someone who takes an intake. And that's just a random person  
11 when they call that 1-800 that is assigned according to their  
12 ability to pick up for any given moment.

13 That person takes the notes and shares with them what is  
14 the approximate amount of time they can expect to hear back  
15 from -- the role is SPRA counsel. And that can be anywhere  
16 within -- from 24 hours to about five business days.

17 Then, in that moment, that SPRA partner would loop in --  
18 usually, a district manager is copied on it, and a store  
19 manager. It then goes through our Roast system as automated  
20 email to both store manager and district manager, notifying  
21 them, like, case is open. Let's set up a consult.

22 Q What's a typ -- is there a typical progression for  
23 disciplining a barista?

24 A It depends on the scenario.

25 Q Does the store manager have to call the PRSC for guidance?



1 A No, not always.

2 Q In September of 2021, when you were in Buffalo, how long  
3 did it take you to visit each store in your district?

4 A I visited the first 12 stores in two days. So I think by  
5 that Saturday, I visited 12 out of 13. And then the last  
6 location was visited a week and a half after my arrival.

7 Q And you told us earlier that you had witnessed  
8 understaffing. Was that true in every store?

9 A For I believe 10 out of my 13, I might have.

10 Q Do you remember any stores that did not appear to have a  
11 staffing issue?

12 A University of Buffalo was in an -- okay shape with  
13 staffing, probably about 130 percent. Niagara Falls Boulevard,  
14 or NFB. And I believe there was one more that I just don't  
15 remember at this time.

16 Q What's the effect on store operations if you're  
17 understaffed?

18 A There's multiple. It -- it -- let's start with, again,  
19 customer experience. Customer experience -- I shared mine that  
20 I experienced, arriving -- you will wait longer periods of time  
21 in order to receive a latte. Because our partners, in that  
22 moment, are understaffed and overwhelmed, you will probably  
23 also not receive a great experience as a customer, because it's  
24 stressful. It's really stressful as a barista that been in the  
25 play at the time it's understaffed. It's very stressful to be

1 understaffed and be a partner.

2 And then, lastly, the -- what it puts on the store  
3 manager. It -- it decreases their ability to really do their  
4 job. They -- I had a scenario where -- in Buffalo where a  
5 store manager needed to hire 12 people. But in order to hire  
6 12 people, they needed time to pre-screen, do an interview,  
7 select the candidate, and then train them in a store that,  
8 quite frankly, was not sufficient enough to train in.

9 So therefore, store manager spent all of their time on the  
10 floor supporting their partners, and then works way over 40  
11 hours if they do interviews and training.

12 Q And as a result of the store manager not having the time  
13 to do all the screening, did the hiring process in the Buffalo  
14 market change at some point?

15 A Yes, ma'am, it did.

16 Q And how did it change?

17 A I pretty quickly realized that it -- it is not an  
18 individual, one or two stores, but that it's a whole market.  
19 And we needed, I believe, about 300 people for the 20 stores we  
20 had in Buffalo. So we've made a decision to centralize  
21 training in one location.

22 Q What about hiring? Was there a change to hiring?

23 A We did make a change, and -- it wasn't a new thing, but it  
24 was more intentional to Buffalo market. So for approximately a  
25 year-ish, before August of 2021, we had created a new role that

1 was needed in the country, which is hourly recruiter. And we  
2 deployed an hourly recruiter specifically to Buffalo market for  
3 the 20 stores because of the large need.

4 Q And was it a new role because of hiring issues related to  
5 the pandemic?

6 A A combination of COVID and other things, yes.

7 Q Any other things, other than COVID?

8 A I would say there -- while it was impacted by COVID, food  
9 and beverage industry in general struggled with finding people  
10 that would want a job.

11 Q Did some of the stores in Buffalo have different staffing  
12 needs at different times in the year?

13 A Can you repeat the question?

14 Q Did some stores in Buffalo have different staffing needs  
15 at different times throughout the year?

16 A Almost any store, yes.

17 Q Would it be common to have different staffing needs, due  
18 to it being on-campus?

19 A You'd be -- probably be the most dramatic shift, depending  
20 on seasonality.

21 Q And that would be -- it -- is that because it was on the  
22 campus at UB?

23 A That is correct.

24 Q Who was the district manager prior to your arrival in the  
25 Buffalo market?

1 A David LeFrois.

2 Q And do you know -- did he leave Starbucks voluntarily?

3 A He did not.

4 Q Was he present when you arrived in Buffalo, or was he  
5 already gone?

6 A He was already gone.

7 Q Are you aware of any other events ever occurring in the  
8 Buffalo market that caused operational issues?

9 A I -- I think there was a mix of things. We were  
10 understaffed. We are still -- we're -- we were still in COVID,  
11 and the vaccine was just starting to come out. We were in  
12 crucial place with facilities and for development. There --  
13 yeah, there were multiple factors.

14 Q When you were understand -- if it --

15 MS. POLITO: Strike that.

16 Q BY MS. POLITO: If a store was understaffed, could that  
17 have impacted how many hours a store would remain open in any  
18 given day?

19 A Yes.

20 Q And how?

21 A Again, a variety of things. It can be an individual day.  
22 I had a store that was an average of ten callouts a day through  
23 September and October. And we would have to make in-the-moment  
24 decision to close the store early or close channels. Of  
25 course, that will impact the revenue for that store, as well as



1 ability to function.

2 And there were also stores that -- where I made a larger  
3 decision at looking, what can we do? After trying -- covering  
4 shifts, asking for help, working with my peer support, and  
5 deploying partners wherever possible -- I eventually made a  
6 decision in multiple locations to decrease hours of operation  
7 and make them consistently lower, versus making every day the  
8 choice to close early.

9 Q You just used the word "callout". Is that the same as  
10 call off?

11 A Yes, it is.

12 Q What is a callout?

13 A It is when a partner does not come into work, but calls  
14 and notifies their leader that they're not coming into work.

15 Q Are they scheduled for a shift that day?

16 A Yes.

17 Q Does it mean that they haven't found alternative coverage  
18 for that shift?

19 A Sometimes, they would. Sometimes, they wouldn't.

20 Q And what were the number of callouts in the Buffalo market  
21 when you arrived in September of 2021?

22 A Very, very significant. They -- I think, to give  
23 perspective, an example, I will use Genesee Street. Genesee  
24 Street had an average of 10 to 14 callouts a day, and it was  
25 the largest number in 9,000 U.S. locations.

1 Q Did you ever experience callouts in your role as district  
2 manager in the past?

3 A Absolutely.

4 Q And -- and when you were a district manager in the DC  
5 market for about two years, what was the typical callout?

6 A When I left the DC market, I believe I had seven-ish  
7 stores, and I might have two callouts in that day within the  
8 seven stores.

9 Q With respect to the Genesee Street store and the number of  
10 callouts, what, if anything, did you do to help that store  
11 continue to operate?

12 A Started with what I know. Worked in packs and just  
13 reached out to other store managers of my 12 stores and see,  
14 like, what can we do? Who could potentially pick up what we  
15 call open shift. Open shift being a store manager did their  
16 very being to create the needed schedule, and then says, I need  
17 this shift that is X, but I don't have a partner who can work  
18 it. So then, we can be very specific with sharing the needs  
19 with our peers. So that's better working in a collective  
20 group.

21 That was -- actually made me realize it's a whole market,  
22 and no one had help. Followed by, we had a store that closed  
23 for renovation. It was about seven to ten minute drive from  
24 Genesee, which was Niagara Falls Boulevard. And those partners  
25 moved and supported Genesee's three partners.

1           When that didn't work -- that wasn't enough -- I decreased  
2 hours of operation in Genesee location.

3       Q     When you arrived in the Buffalo market in the fall of  
4 2021, did you observe whether or not the stores were following  
5 Starbucks standards?

6       A     I observed that they were not.

7       Q     And what kind of standards were not being followed?

8       A     It was, again, all -- well, I'm going to approach some  
9 specific ones that were from our level upwards was dress code,  
10 time and attendance, task management, clean, safe, and ready --  
11 which is our system to maintain store safe for customers,  
12 partners, and business -- and some others.

13      Q     Who is responsible for enforcing policies of Starbucks?

14      A     At each store, it would be a store manager and an  
15 assistant store manager of that location.

16      Q     What steps did Starbucks take to bring the stores in the  
17 Buffalo market up to standard?

18      A     Also a variety. We -- within staffing and scheduling, we  
19 looked -- talked a little bit about bringing additional support  
20 to allow store managers to not have everything on their plate,  
21 which was recruiting. And then, we brought support store  
22 managers to help with training, and as well, to help the  
23 staffing in stores.

24           With teaching and training, we -- we -- we centralized  
25 training in order to support that piece. And we recertified

1 every barista trainer at the location that was training. And  
2 then we carried on continuously doing that with what we had  
3 available to us.

4 For sales and inventory, we rebuilt the back of house for  
5 every store, which we called a reset for the loc -- each  
6 location. We tried doing it in a location, if possible, in one  
7 day, by closing a store, bringing group of partners that wanted  
8 to do -- be a part of it, and just resetting the whole back of  
9 house and, situationally, up at front.

10 Q Did regional operational coaches assist with the resets at  
11 each location?

12 A Yes.

13 Q And are there two types of resets, one for operations and  
14 then one for policies under the partner guide?

15 A I think I would refer to it as a level set versus a reset.

16 Q And a -- and so explain to me what a level set is again,  
17 please?

18 A Yes. A level set would be a level of setting on  
19 expectations and really going, okay, might not know this. So  
20 my job becomes to teach you, because you're learning it.  
21 Versus a reset was, more than anything, to just set the store  
22 up for success by quickly and urgently bringing in to the  
23 standard all the layouts.

24 Q And would that include cleaning and inventory, things of  
25 that nature?

1 A Yes, cleaning, inventory, we -- we brought the crew to  
2 support cleanings. The partners didn't have to do it alone.

3 Q With respect to level set, were the stores in the Buffalo  
4 market -- did they undergo a level set, as well?

5 A Yes.

6 Q And what was that for?

7 A We started in the two big, and yet simple things, such as  
8 time and attendance -- coming to work, run schedule on time,  
9 or/and call out properly, for communication purposes. And  
10 then, the second thing was dress code. And we level set with  
11 all stores in my portfolio in October of 2021 on those two  
12 things.

13 Q Were store managers directed to level set on any  
14 particular topics?

15 A Store managers were directed to level set with their  
16 partners on those two topics. I also had to level set with my  
17 team for their own schedule, which would be their own time and  
18 attendance. They all did dress code, actually, as well.

19 Q What about cash and money? Was that an issue in the  
20 Buffalo market?

21 A It was. We have spent level setting as a group on it, but  
22 it was closer to December into January of 2022.

23 Q And what is the cash handling -- what -- what were the  
24 issues relating to cash handling that you observed in the  
25 Buffalo market in the Fall of 2021?

1 A Well, the fall, starting with the shift supervisor, would  
2 be the first entry-level who would have access to cash, our  
3 safe, our systems. Safes were not counted. Safes were  
4 supposed to be counted three times a day. Those -- those were  
5 not in the system.

6 The drawers, which each stores has anywhere from two to  
7 six drawers in the store, which we would keep cash in for  
8 transaction purposes, are also supposed to be counted in the  
9 beginning and at the end of the day. Those were not counted,  
10 and they were not processed in the system.

11 Tips are supposed to be dropped throughout the day, and  
12 then counted and distributed once a week, that was not  
13 completed. The tip time was not scheduled, not following our  
14 procedures.

15 Reporting that was in -- associated with a store manager  
16 approach for cash management, store managers didn't even know  
17 that it existed. Or if they knew it existed, 90 percent of  
18 them didn't know to read it and what to do after they analyze  
19 it.

20 Q Do you recall a time in October of 2021 at the William --  
21 Williamsville Place store that you -- where you strictly  
22 enforced the policy for making drinks?

23 A Yes.

24 Q And does that have any relation to cash handling?

25 A It does. It's a direct --

1 Q And how?

2 A -- correlation. I was in a PPV with Mark, the store  
3 manager --

4 Q Let me stop you right there. What is a PPV?

5 A Planning period visit.

6 Q Okay. And tell us what a planning period visit is.

7 A Planning period visit, I would say, structurally, is the  
8 longest visit a district manager would have with a store  
9 manager. And it occurs six times a year through each planning  
10 period. As a customer, you might walk in and know, like, we  
11 change our menu boards to red. That means it's a new planning  
12 period.

13 And through that time, a store -- district manager will  
14 spend time with a store manager --

15 Q Okay.

16 A -- really laying out the next eight to nine weeks and  
17 thinking through the store manager approach. And then, just  
18 checking in on things like what corrective actions were  
19 delivered in the last nine weeks? Or let me see the records of  
20 COVID checking. Just some, I would say, description of a  
21 little bit, sign here, initial there to just validate that  
22 it's, indeed, happening in the store.

23 Q And so you were meeting with Mark, the store manager?

24 A Yes.

25 Q Do you know what Mark's last name is?

1 A Barrett (phonetic throughout).

2 Q And so what happened when you were meeting with Mark in --  
3 for his PPV at the Williamsville Place store in or about  
4 October, 2021?

5 A Part of my job was to prepare for that PPV visit. And  
6 when I did, I noticed that the mark out beverages were really  
7 low. Mark out beverages is one of the benefits a Starbucks  
8 partner has. We stand in line, we provide our partner numbers  
9 associated with our hire date. And then, the register marks it  
10 off to being \$0, because I'm working today. And then, a  
11 partner makes my beverage for me.

12 So I noticed that those counts per day were significantly  
13 lower than what they should be, considering how many people  
14 work a day in that location. So I asked him a discovery  
15 question during my visit.

16 Q And what did you find out?

17 A I found out that he did not know that it was important to  
18 do that, and he had never enforced that policy, because he  
19 didn't understand the why behind it.

20 Q Why was it important to enforce the policy that beverages  
21 were marked out for partners?

22 A A couple of reasons. Why -- one, it's a policy and  
23 procedure, and all policy and procedures must be followed in  
24 the store.

25 Two, it directly impacts our sales and inventory system.





1 In order for our system to know what a store would need  
2 product-wise, whether it is milk or white mocha, it needs to go  
3 through the system saying, I used it today. So if we have 20  
4 people -- 20 partners a day not marking out what they drink,  
5 then our system will be that off.

6 And then, lastly -- and really the most important  
7 reason -- we talked a little bit about how labor gets  
8 calculated. That location earns about additional half an hour  
9 of labor for every nine transactions. That meant if a partner  
10 marked out their beverage, and nine of them marked out their  
11 beverage, store now just earned additional 30 minutes of labor,  
12 which is -- those are the hours that go back to our partners.

13 Q And you mentioned earlier that you have to stand in line  
14 to get the beverage?

15 A Yes, ma'am.

16 Q Tell us what that means.

17 A As you walk in the store, you might see a few customers in  
18 front of the register or our POS system, being -- getting ready  
19 to order their own food or beverage. And as a regular  
20 customer, you would -- you would pretend to be a regular  
21 customer and get in that line, wait for your turn, and then be  
22 ringed up by another partner on the clock.

23 Q What if you were working that day? Would you still have  
24 to stand in line?

25 A Yes, ma'am.



1 Q When you arrived in the Buffalo market in the Fall of  
2 2021, what did you observe about baristas swapping shifts  
3 amongst each other?

4 A Everyone was swapping shifts for that were with very  
5 little communication with each other and the store managers.

6 Q What was the policy in place at Starbucks with respect to  
7 a barista's ability to swap shifts?

8 A It was pretty easy. We just need to make sure as a  
9 barista if you are giving away your shift or picking a shift  
10 up, that that communication goes directly to your store  
11 manager, and both partners confirm if it's within the store  
12 that indeed I will pick up this person's shift, and the store  
13 manager will approve it or deny it, depending on who and how.  
14 And then if it, for some reason, in different location, we  
15 would just want to make sure both store managers are aware and  
16 approve on the swap, again, for a variety of reasons, and it  
17 might be denied.

18 Q Was that the process that was followed in all the other  
19 markets that you worked in?

20 A Yes, ma'am.

21 Q What was the process to disable a channel in the fall of  
22 2021 in the Buffalo market?

23 A In order to disable a channel, it would start with a café.  
24 Café, they would -- I would need to approve it, bottom line,  
25 and it can come from a shift supervisor to a store manager to

1 me. I would have to know. The shift supervisor would call me  
2 and would discuss -- I would ask questions to understand what's  
3 the reasoning behind it and then approve or deny it. And for  
4 mobile order and pay, it's the same thing, an exception that no  
5 one below assistant store manager is even able to do it system  
6 wise because of electronic platform. And it requires an email  
7 to disable it.

8 For Uber Eats, same thing as the café, they are able to do  
9 it in the store at any level. But it requires store manager  
10 and district manager approval. And the pickup window is pretty  
11 much closed the majority of it, so we will not touch on.

12 Q So did a shift supervisor in the Buffalo market have the  
13 ability to close any channel --

14 A No.

15 Q -- on their own? And was that consistent with the other  
16 markets that you worked in?

17 A Yes.

18 Q Were you aware of whether or not a shift supervisor ever  
19 closed a café in a Buffalo store under your supervision in the  
20 fall of 2021?

21 A I recall a few examples, yes.

22 Q And what do you recall about those examples?

23 A There was a time that I came to learn that Williamsville  
24 Place, that being the 7 -- 7938 location, I ran up to the  
25 store, and the front door was closed. I went around the

1 building, and the backdoor was also closed. But then a shift  
2 supervisor saw me and opened the door for me sharing with me  
3 that they made a decision to close the café early. So I just  
4 asked some questions to understand why they made a decision to  
5 close early and then connected with the store manager Mark  
6 Behrend to understand what was the decision-making and did he  
7 approve it and I just didn't know. So that was one of the  
8 examples that I recall.

9 Q And did you find out whether or not the store manager had  
10 approved the closing of that café?

11 A I did. And he did not.

12 Q And did you discipline that shift supervisor for closing  
13 the café?

14 A I did not.

15 Q Why not?

16 A They were -- again, it was learning phase when a partner  
17 is learning my job, and a leader job is to teach, so willing  
18 into education.

19 Q And so did you educate that shift supervisor as to what  
20 the appropriate policy was for shutting a café?

21 A Yes.

22 Q Are you aware of a time that the Camp Road store --  
23 whether or not mobile ordering was turned off for a period of  
24 time?

25 A Yes.

1 Q And how were you aware of that?

2 A We were talking about staffing and on occasion where we  
3 would not have enough staff, sometimes I would have to approve  
4 or do it even myself and disable mobile order and pay for --  
5 for partners in that location. We also had unexpected closure  
6 there for about a week. I also had an incident in store where  
7 I made a decision to close the store for a day for partner care  
8 piece, and I had to disable mobile order there as well.

9 Q And was that consistent with your practice as a district  
10 manager in other districts?

11 A Yes.

12 Q And did you come to learn that it was consistent with the  
13 practice of Camp Road that mobile ordering had been turned off  
14 precampaign, pre -- prior to the Dear Kevin letter on August  
15 23, 2021?

16 A Yes, it was consistent before and after.

17 Q And how did you become aware that it was consistent?

18 A Part of my business analysis within the district manager's  
19 scope was to look at what we call up and down time for mobile  
20 order and pay. And that's a reporting that I'm able to see  
21 what is the percentage of overall time that mobile order is on  
22 or off.

23 Q Let me direct your attention to Exhibit R-286.

24 A I have found R-286.

25 Q Thank you. Do you recognize that document?



1 A I do.

2 Q What is that document?

3 A That is the mobile order app up down time percentage.

4 Q And is it a document that's maintained in the ordinary  
5 course of business?

6 A Yes, ma'am.

7 Q And what does it show, what does it tell us?

8 A I'm going to start with the first line that says  
9 September.

10 JUDGE ROSAS: Hold on. Before she starts reading from it,  
11 is there going to be an objection to its introduction? Do you  
12 want voir dire?

13 MS. STANLEY: Yes. Also, is there a video that goes with  
14 this?

15 MS. POLITO: No.

16 MS. STANLEY: Okay. Because the tag is on this side.

17 MS. POLITO: It's because it was produced as an Excel  
18 spreadsheet, so that's how it tags out of the system.

19 MS. STANLEY: Okay.

20 MS. POLITO: That's why it's --

21 MS. STANLEY: Okay.

22 MS. POLITO: -- so she wouldn't know that, but I can tell  
23 you that.

24 **VOIR DIRE EXAMINATION**

25 Q BY MS. STANLEY: Did you say that this is maintained in



1 the ordinary course of business?

2 A Yes, ma'am.

3 Q And is this something that you have access to?

4 A Yes, I do.

5 Q How would you access this?

6 A Decision center.

7 Q And it's maintained as an Excel spreadsheet?

8 A I think when I download it, yes.

9 Q And are there other tags on the Excel other than what we  
10 see here?

11 A I do not think so. And Alicia, in my current role as a  
12 partner resource manager, I don't know if I see that. But as a  
13 district manager, it was part of my normal analysis.

14 Q And you were a district manager during the times reflected  
15 on this sheet?

16 A That's right.

17 MS. STANLEY: I wouldn't have any other objection to that.

18 JUDGE ROSAS: All right. We'll receive 286. Respondent's  
19 286 is received.

20 **(Respondent Exhibit Number 286 Received into Evidence)**

21 **RESUMED DIRECT EXAMINATION**

22 Q BY MS. POLITO: So does -- MK, does Exhibit Number 286  
23 tell us whether or not the Camp Road mobile ordering was never  
24 operational after August of 2021?

25 A Yes. It would tell you her week, what's the percentage of

1 overall time that mobile was up or down. And when you look at  
2 the document in front of us, the third line says MOP up time.  
3 And the fourth line it says MOP down time. The collective  
4 percentage would even out to 100 percent of operational hours.

5 Q And so MOP down time means the time period when mobile  
6 ordering was turned off; is that correct?

7 A Correct.

8 Q And so if you look at the months of September for fiscal  
9 year 2021, there is not a time where mobile ordering was turned  
10 off or never operational; is that correct?

11 A That's correct.

12 JUDGE ROSAS: Let's take five minutes. Off the record.

13 MS. POLITO: Thank you, Judge.

14 (Off the record at 11:40 a.m.)

15 JUDGE ROSAS: Okay.

16 **RESUMED DIRECT EXAMINATION**

17 Q BY MS. POLITO: MK, are you familiar with the term  
18 listening session?

19 A I am.

20 Q And how are you familiar with the term listening session?

21 A I have participated and led multiple sessions through my  
22 eight years at Starbucks.

23 Q Prior to arriving in Buffalo in the fall of 2021, did you  
24 have any experience with listening sessions?

25 A Yes. I have participated and led multiple listening



1 sessions.

2 Q And where did you participate in listening sessions?

3 A I participated in Northern Virginia when I was barista  
4 shift supervisor and the store manager. I participated in  
5 Washington DC as a district manager. And I participated on --  
6 it was more of like a U.S. round table as a district manager.  
7 I was selected as one of the district managers from the market  
8 to attend a listening session for U.S. level.

9 Q When you were in the Buffalo market, did you attend any  
10 listening sessions?

11 A I did as leading it.

12 Q You attended and also led listening sessions in the  
13 Buffalo market; is that right?

14 A I did.

15 Q Did you ever discuss a union organizing at any of those  
16 listening sessions?

17 A We had some store meetings for Union pact, yes.

18 Q Do you remember what stores you held those meetings at?

19 A I would not be able to recall all of them.

20 Q During those listening sessions, did you, yourself, ever  
21 discuss whether or not if a store was unionized, a partner  
22 would be able to pick up shifts at a non-union store?

23 A I did.

24 Q And what did you say?

25 A I said that everything depends on the contract through

1 bargaining, and you might be able to pick up shifts in other  
2 stores. You might not be able to pick up shifts at other  
3 stores.

4 Q Did you ever discuss any changes to partner benefits at  
5 any of those listening sessions?

6 A Yes.

7 Q And what were those?

8 A I shared that depending on the bargaining and when  
9 contract would go into play for a particular store, the  
10 benefits might change, might stay the same or might be more.

11 Q When you attended listening sessions outside the Buffalo  
12 Park market, did you ever have occasions to listen to partners'  
13 concerns?

14 A Can you ask that one more time, please?

15 Q When you attended listening sessions outside of the  
16 Buffalo market, did you ever have occasion to listen to  
17 partners' concerns at those sessions?

18 A Yes, I did.

19 Q Can you give us an example?

20 A Yeah. The one that stands out, and it was largely my 2020  
21 going to 2021, I led multiple sessions from my district in the  
22 area. And two largest topics that I heard from partners were  
23 COVID and their concerns with their own safety, the safety of  
24 their family, what it means to be a frontline employee in this  
25 world. And there were conversations and concerns shared about

1 COVID.

2 And then the second piece was mentioned my district was  
3 downtown DC. A lot of my stores were on Black Lives Matter  
4 Plaza in Washington DC. And in summer of 2020, we experienced  
5 a lot of aggression in the city, including, but not limited to,  
6 our stores are broken into. There were baskets set on fire.  
7 It was just there was a lot for the city. And my partners were  
8 70 percent African American partners. And it was a lot. It  
9 was difficult. And I got -- there were partners who wanted to  
10 attend to learn and understand what it's like to be a part of  
11 that change in rules.

12 Q Turning back to the listening sessions that were held in  
13 the Buffalo market, were those sessions mandatory for partners?

14 A They were not.

15 Q Do you know if partners were paid for their time when they  
16 attended those sessions?

17 A I do. And they were.

18 Q Prior to March of 2020 and the start of the pandemic, were  
19 stores closed as a result of staffing issues generally?

20 A March of 2020, we closed all of our café stores across the  
21 U.S.

22 Q When did they reopen?

23 A We opened in waves. I'll speak specifically my area. It  
24 was area 83. We only had one drive-thru because we were  
25 primarily Center City, Washington DC, and we had one drive-thru

1 that opened actually March of 2020. So we had one store out of  
2 100 operational. And then it became optional for café stores,  
3 within like maybe two to three weeks, we started discussing of  
4 who wants to open. And it depended on partners because  
5 partners had an option to stay home and get paid or come to  
6 work and also get paid.

7 And as we realized that partners actually wanted to come  
8 back for those locations or overall little markets, where we  
9 were able to open, we started opening. And then the collective  
10 market never fully reopened, even upon my departure to Buffalo  
11 in 2021.

12 Q Since the pandemic in March of 2020, has Starbucks  
13 experienced additional times when stores would be closed on a  
14 temporary basis?

15 A Yes, we did.

16 Q And what was that from typically?

17 JUDGE ROSAS: Excuse me. Can we hold one second?

18 MS. POLITO: Sure.

19 JUDGE ROSAS: Off the record.

20 (Off the record at 11:51 a.m.)

21 JUDGE ROSAS: Okay. Back on.

22 **RESUMED DIRECT EXAMINATION**

23 Q BY MS POLITO: What would the occasion be for a Starbucks  
24 café to close early, what would be some of those reasons?

25 A It can vary from staffing, and staffing can be call outs,



1 as we discussed earlier. We also had consistent isolation  
2 policy in place through 2020 and 2021 and now. And in the  
3 beginning of COVID, it was much largely impacted as we were  
4 learning how it spreads. So often we would have a very large  
5 isolation where we wouldn't be able to operate all day or  
6 operate at all. So we would shift those pieces around and  
7 determine different hours of operation. Weather can also be  
8 impact to channels and hours of operation or café not opening  
9 at all. And some other reasons.

10 Q Were there times in the Buffalo market in the fall of 2021  
11 where store hours were reduced for those reasons?

12 A Yeah.

13 Q Any other reasons you can think of as you're sitting here  
14 today?

15 A It would be facilities-based, which happens sometimes, and  
16 it can be anywhere from AC or heat working or not, or a  
17 plumbing issue where it would just not be safe for the partners  
18 or customers to be in the store, we would also make a decision  
19 not to close. Those are the common reasons why.

20 Q Do you recall whether operational hours were reduced at  
21 the Genesee Street location in September of 2021?

22 A Yes, September, October.

23 Q And what do you recall about that reduction?

24 A I shared a little bit earlier that that store had a  
25 significant staffing and callouts. When 20 partners are



1 scheduled a day and 10 call out in that given day, it was  
2 really hard to continue operating given intended hours. In  
3 addition to it, it did not have enough staff. And in the week  
4 one, I wasn't able to help manage or make schedule because we  
5 didn't have partners with availability that we needed in order  
6 to make an effective schedule. After trying, which I mentioned  
7 earlier, finding coverage, we were in the process of staffing  
8 it and training for that store, asking for help from Niagara  
9 Falls Boulevard and those partners. There came a time where  
10 none of those options were enough to continue operating at full  
11 capacity, and I made a business decision to decrease hours of  
12 operation.

13 Q What about at the Transit & French store in or around  
14 October 7th of 2021, do you recall operational hours being  
15 reduced that day?

16 A I cannot recall that specific of a day.

17 Q Do you recall at any point in time Transit & French having  
18 operational hours being reduced?

19 A Yes.

20 Q And what do you recall about that?

21 A In Transit & French, we had a scenario where we were low  
22 in our shift supervisors that we need in order to operate  
23 business. One shift supervisor was on medical leave of absence  
24 due to the injury. And then others changed their availability.  
25 And we did not have enough shift supervisors to operate with

1 other isolations that were happening. So there were one-offs  
2 where for three days or seven days, I would decrease hours of  
3 operation.

4 Then the other thing I recall is through -- for any  
5 holiday, and specifically, I was going October, November and  
6 December in that store, I analyzed the business from previous  
7 years data, partnered up with the store manager, and we made a  
8 decision not to open on certain holidays at all.

9 Q Do you remember what holidays you decided not to open on  
10 for the Transit & French location?

11 A I believe it was Thanksgiving that Transit & French didn't  
12 open.

13 Q And this analysis that you did with respect to changing  
14 the operational hours for the Transit & French location and the  
15 Genesee Street location, was that the same as you would have  
16 done in any other market?

17 A Yes.

18 Q And had you in fact reduced operational hours at stores in  
19 other markets?

20 A Yes. Consistently.

21 Q Can you give us an example?

22 A Yes. I had a similar scenario with isolation at 22nd and  
23 K store in Washington DC. Unfortunately, that partner within  
24 two-day time worked an early shift and an evening shift, which  
25 at the time meant they came in close contact with 80 percent of

1     our staff overall, which meant I believe I had five partners  
2     collectively that were available post that, so we opened that  
3     following ten days only Monday through Friday for I believe a  
4     collective of seven hours being open to customers and eight  
5     hours partners in store.

6     Q     Turning your attention to the UB Commons store, do you  
7     recall a time when their operational hours were reduced?

8     A     For UB Commons, I definitely decreased it through holiday  
9     because it's a university store. I believe Tina, our store  
10    manager, Zunner, and I were in our planning period, and I asked  
11    her to share with me the calendar for students leaving and  
12    arriving to campus, finals, and any other thing that in my  
13    previous experience I knew would impact a university store.  
14    And we went through that learning that for Thanksgiving  
15    holiday -- not partners, students, students were leaving, as  
16    well as our partners who were students on campus. So we  
17    significantly decreased hours of operation there. And then  
18    during holiday, students are usually not on campus, so if we  
19    operated, it's usually maybe for five hours and only to serve  
20    coffee to those who had stayed on campus.

21    Q     What about the Elmwood location, do you recall operational  
22    hours being reduced in November of 2021 at the Elmwood  
23    location?

24    A     If it's November, I definitely know we changed hours of  
25    operation for Thanksgiving, primarily because Elmwood is also a



1 community that serves students, so it would also impact us  
2 there.

3 Q Did anyone else other than yourself have to approve the  
4 reduction in operational hours?

5 A No.

6 Q Did you ever reduce operational hours at any of the stores  
7 in the Buffalo market due to Union activity?

8 A No.

9 Q Turning your attention to renovations at stores in the --  
10 at Starbucks. Are you familiar with store renovations at  
11 Starbucks generally?

12 A Yes.

13 Q And how are you familiar with store renovations?

14 A My first experience was my store in Northern Virginia,  
15 Reston, went under remodel. So I was the store manager leading  
16 through store renovation. Within the same umbrella within six  
17 months after that, I opened a new store and had some unexpected  
18 renovations with the store opening there, which was also  
19 Reston, Virginia. And then as a district manager, I led  
20 through multiple renovations in my portfolio following from DC  
21 all the way to Buffalo, New York.

22 Q How much advance notice would you typically get if a store  
23 was going to undergo a renovation?

24 A It depends. Ideally and typically, we would consider and  
25 start thinking about it about maybe 12 to 18 month out.



1 Largely will depend on the buildings and what government would  
2 require, limits and jurisdiction, and what our store  
3 development team would have to do. And then sometimes,  
4 unexpected renovations happen. I had two of them in Washington  
5 DC that can be three-day notice or less.

6 Q Are you familiar with renovations that occurred at the  
7 Williamsville Place store?

8 A I am.

9 Q What occurred?

10 A In Williamsville Place location, we had a plan to make it  
11 a drive-thru forward location. Drive-thru forward is a  
12 location that our customers by their patterns show that their  
13 preferred channel is drive-thru. So what we do for drive-thru  
14 forward, we minimize the café and create more space for our  
15 engine operations, which really is where production happens for  
16 beverages and food. We'll typically take out food case because  
17 if people do not come in inside anyways, then we decrease our  
18 food waste by not displaying food items. And very frequently  
19 we would also go to only one register for the café versus a  
20 typical two.

21 Q Did that ever happen?

22 A Yes, it did.

23 Q When -- did -- during the time that Williamsville Place  
24 was under renovation, were the baristas offered the opportunity  
25 to work at another store?

1 A They were.

2 Q And do you know if they did that or not?

3 A I know that they did not.

4 Q How do you know that they did not?

5 A I know because it's part of my job as a district manager  
6 to be a part of planning for renovation, including schedule for  
7 partners, and I remember it vividly because that was my very  
8 first time experiencing none of the partners' desire to go  
9 anywhere else outside of their store.

10 Q Was the drive-thru forward model ever finalized at  
11 Williamsville Place store?

12 A There was some hiccups with permits. So we were unable to  
13 execute our full plan for the renovation.

14 Q What portion of the plan were you allowed to complete?

15 A We were able to redesign the interior. So we did  
16 eliminate pastry case. And that created a longer platform for  
17 partners for their prepare station. We were able to put  
18 signage that kind of navigated customers towards that drive-  
19 thru forward idea and model and continue to increasing drive-  
20 thru traffic. And we were able to create a little bit of a  
21 path into the store from the other side of the building, but we  
22 were not able to do like a parking lot on that end.

23 Q Are you familiar with renovations that occurred at the  
24 Elmwood store?

25 A I am.

1 Q And what occurred?

2 A During the renovation, we increased -- there again, that  
3 engine being the back line -- by six inches, which was  
4 significant for that location. We worked on their break room  
5 area. There was last minute add-ons in the lobby and just some  
6 touchups, paint, artwork, hooks under the table.

7 Q And during the renovations at the Elmwood store, was the  
8 store closed?

9 A It was.

10 Q And were the partners given the opportunity to work at  
11 other locations?

12 A They were.

13 Q Do you know if they did that?

14 A Yes, I do.

15 Q Did they?

16 A Most chose to work somewhere else. Some chose to take  
17 time off.

18 Q If they took time off, would that have been unpaid time?

19 A It depends.

20 Q On whether or not they had any accrued time or something  
21 else?

22 A Yes. If they had vacation, and not just having it, but  
23 wanting to use it, it's a request that a partner would have to  
24 give me -- by me, I mean the store manager -- permission to use  
25 the time that they had available. And if they took a personal

1 leave, for example, it was still a protected leave, and it was  
2 allowed to be taken, but it would be unpaid leave of absence.

3 Q Do you recall a time when there was a renovation at the  
4 Transit & French location?

5 A I'm not.

6 Q Was there an expansion at the Transit & French Location?

7 A There was not.

8 Q Was Transit & French one of the stores under your  
9 umbrella?

10 A Yes, it was.

11 Q Did you ever promise any of the partners at the Transit &  
12 French store that there would be an expansion?

13 A I did not.

14 Q Did you ever have any conversations with the partners of  
15 the Transit & French store about a potential expansion of the  
16 store?

17 A I did.

18 Q And tell us about that.

19 A I was newer to the market. I think it was maybe my first  
20 store meeting, listening session within the store, I want to  
21 say. And a partner asked me if the renovation will be  
22 happening for the store and that they -- that Nick and the  
23 previous district manager told them that there would be a  
24 renovation.

25 Q And what, if anything, did you say in response to that?

1 A I apologized for not knowing at the time. I shared with  
2 them that I got in the market approximately a week, week and a  
3 half ago. And now that it was brought up to me that it's  
4 normal part of my duties, and I will learn about upcoming  
5 renovations shortly, and share with them what I know and what I  
6 can.

7 Q And did you learn about any potential expansion at Transit  
8 & French?

9 A I did.

10 Q And did you talk -- circle back with the partners about  
11 what you learned?

12 A Yes, I was able to share back.

13 Q And what did you share with them?

14 A The way our design team works when it's a planned --  
15 again, would have a couple of months to plan for a renovation,  
16 especially something as expansion. They would create a virtual  
17 model what the store would like and plan anywhere from colors  
18 to layout. And I was able to print that document and put it in  
19 color so the partners could envision what it would look like  
20 when it's done. And I shared that document with the store.

21 Q And did you make any promises as to that expansion  
22 happening?

23 A I did not.

24 Q And do you know as you sit here today if there was ever an  
25 expansion?

1 A I know it's scheduled for October of this year.

2 Q October of 2022?

3 A Yes, ma'am.

4 Q What about renovations at Niagara Falls Boulevard, are you  
5 familiar with any renovations at Niagara Falls Boulevard?

6 A I am.

7 Q And what are you familiar with?

8 A This was an expected renovation. On my first visit, I saw  
9 the condition of the store and we talked a little bit about  
10 safety for customers and partners and that store was simply  
11 unsafe for our partners and customers to be in and operate, and  
12 I shared that with my director.

13 Q What made it unsafe, in your opinion?

14 A The floors and tiles in the front where a customer would  
15 see and be a part of would be consistently? And I knew that  
16 pulling up and partnering with my facility managers to see what  
17 has been done so far. And regardless of how many times we  
18 attempted to fix it, it was never fixed to the extent where it  
19 would last over four to five weeks. And that was one of the  
20 biggest safety concerns.

21 Q And how long was Niagara Falls Boulevard closed to --

22 MS. POLITO: Strike that.

23 Q BY MS. POLITO: You just described the store not being  
24 safe. Were there any other issues at the Niagara Falls  
25 Boulevard that were there before?

1     A     Because of that same floor, there was also water leakage  
2     from, I would say, the bar area and cold-buy area into the  
3     customer space. So there were times that it was showed me  
4     pictures and described to as a couple of inches of water --  
5     standing water, due to the fact that floors were not properly  
6     equipped with drainage.

7     Q     And so was the floor eventually repaired?

8     A     Yes.

9     Q     Would that be considered a renovation, a facility issue,  
10    or something else?

11    A     It -- when I arrived, it considered a facility issue  
12    that -- that escalated and moved under store development  
13    umbrella because it was --

14    Q     And why -- I'm sorry -- why did it get escalated and moved  
15    under the store development umbrella?

16    A     When we look at any upcoming work that would need to be  
17    done, the really decision-making narrows down to how much money  
18    we're going to continue investing to attempt to fix something,  
19    versus, does it make financially more sense to make a long term  
20    solution by installing it new, whether it's an espresso machine  
21    or floors.

22    Q     And how long was Niagara Falls Boulevard closed for that  
23    work to be done?

24    A     I want to say about four to five, to the best of my  
25    recollection.



1 Q And were partners given the ability to work at other  
2 stores during that time period?

3 A Yes.

4 Q Do you know if the partners at that store did, in fact,  
5 work other locations during that time period?

6 A They did.

7 Q Are you familiar with renovations at Transit & Maple?

8 A I know that there was one in -- sometime in 2021.

9 Q What about Transit Commons? Are you aware of renovations  
10 at Transit Commons?

11 A Yes, ma'am.

12 Q And what were those renovations?

13 A In Transit Commons we added storage in front of house,  
14 moving customer space. We put a lot of work in the customer  
15 lobby and patio area to uplift the experience. We changed the  
16 artwork. We -- I've asked -- requested some things to be  
17 adjusted in the restrooms that wasn't part of our original  
18 plan. Change the lights. Change the paint. And additionally  
19 to it, I believe I requested an -- the ice machine to be  
20 changed because it didn't make sense for that location, so we  
21 did that.

22 Q How long was Transit Commons store closed for renovations?

23 A I believe it was a ten-day remodel.

24 Q And during that time period, were partners given the  
25 opportunity to work in other locations?

1 A Yeah, they were.

2 Q Do you know if they did that?

3 A Some did.

4 Q Turning your attention to the Genesee Street store, are  
5 you aware of renovations at Genesee Street store in or around  
6 October of 2021?

7 A I am.

8 Q And what was that renovation?

9 A We also did some work in the customer space, being -- the  
10 furniture was very old and also unstable. So we changed the  
11 furniture. We changed the artwork. We did some paint work.  
12 And then for back line, there was sort of a wall/pool that was  
13 getting in the way of us meeting the standard current layout,  
14 so in order to meet the expectation for the layout, we changed  
15 the building to match -- match that.

16 And then the only thing that was delayed from that renovation  
17 was also a very standard stations for a cold brew in the back  
18 that was installed a little bit after we reopened from  
19 renovation.

20 Q Were the partners given the opportunity to work at another  
21 location during your renovation?

22 A They were.

23 Q Do you know how long the renovation was?

24 A I believe it was under a week. It was a pretty quick one.

25 Q Are you familiar with renovations at McKinley Road in or



1 around December of 2021?

2 A I am.

3 Q And what were those renovations?

4 A McKinley was a big one. We pretty much redid the whole  
5 engine -- the store front to back, starting with a patio, to  
6 the front seating, to condiment bar space and storage in up  
7 front, to ceiling, lights, restroom, a replacement of doors,  
8 every single piece of, I would call it, storage space. In  
9 front of house, all the cabinets were all different, and we  
10 installed additional cabinetry above the front line. All menu  
11 boards were changed and rearranged to different side of store,  
12 so the layout, visually, changed itself.

13 In back of house, we also moved some walls around. We --  
14 because of movement of walls, we had to do some plumbing work  
15 in order to support the wall. And then installed a cold brew  
16 station and moved around refrigeration, as well as added a  
17 partner area and desk for a store manager.

18 Q Do you know how long those renovations occurred?

19 A That was, I believe, over 90 days. It was a long  
20 renovations.

21 Q And were the partners given the opportunity to work at  
22 other locations during that time period?

23 A Yes, they were.

24 Q Do you recall renovations at DelChip?

25 A I do.



1 Q And what -- do you recall when that occurred?

2 A That occurred right as I transitioned the district into  
3 McCormick to Michaela Murphy. And it happened in January of  
4 2022.

5 Q During the time that the Niagara Falls Boulevard employees  
6 were --

7 MS. POLITO: Strike that.

8 Q BY MS. POLITO: During the time that Niagara Falls  
9 Boulevard was closed for renovations, did the employees go to  
10 work in the Genesee Street location?

11 A They did.

12 Q And how close is the Niagara Falls Boulevard store to the  
13 Genesee Street location?

14 A That is the store that I was referring to that is like  
15 about seven to ten minutes, depending on traffic.

16 Q Were the employees required to go there, or did they --  
17 could they chose to go there?

18 A They chose to go there.

19 Q So if employees from the Niagara Falls Boulevard were at  
20 the Genesee Street location during renovations, that was not to  
21 change the voting unit at Genesee Street location; is that  
22 correct?

23 MS. STANLEY: Objection. Leading.

24 JUDGE ROSAS: Sustain that.

25 Q BY MS. POLITO: Did the decision to allow Niagara Falls

1 Boulevard partners at their choice work -- to work in the  
2 Genesee Street location have anything to do with a potential  
3 vote at the Genesee Street location?

4 A No, it did not.

5 MS. POLITO: So Judge, just for purposes of timing, I'm  
6 going to turn to some disciplinary issues. I'm -- I'm happy to  
7 work through lunch. It's up to you.

8 JUDGE ROSAS: Uh-huh.

9 MS. POLITO: Is that okay? And I just want to make sure  
10 it's okay for Alicia.

11 MS. STANLEY: That's fine.

12 MS. POLITO: Or we can take a five or ten-minute break to  
13 eat. What --

14 MS. STANLEY: I would have to go get -- it wouldn't --  
15 it's fine. We're fine.

16 MS. POLITO: Are you sure?

17 MS. STANLEY: Yeah.

18 MS. POLITO: I'm just going to get more water, Judge, if  
19 that's okay.

20 JUDGE ROSAS: Can we continue?

21 MS. POLITO: We're just going to getting water real quick  
22 and then we can continue, Judge.

23 JUDGE ROSAS: Can we can continue now, or wait for him?

24 MS. POLITO: Can we just wait for him for one minute,  
25 please?

1 Q BY MS. POLITO: MK, when you were in the Buffalo market  
2 starting September of 2021, were you involved in discipline of  
3 partners at the stores for which you were responsible?

4 A Yes.

5 Q How are you involved?

6 A Different levels of involvement. One, as a district  
7 manager, part of my approach in the planning period visit is to  
8 review all documents that are in partner files. So I would  
9 know of any documentation that exists in the store.

10 JUDGE ROSAS: Hold on one second. Off the record.

11 (Off the record at 12:17 p.m.)

12 JUDGE ROSAS: Back on the record. Last interruption.

13 **RESUMED DIRECT EXAMINATION**

14 Q BY MS. POLITO: MK, are you familiar with a partner by the  
15 name of Angel Krempa?

16 A I am.

17 Q And how are you familiar with her?

18 A Angel Krempa was one of the partners in Transit & French.

19 Q And do you know what role she had at Transit & French?

20 A She was a shift supervisor.

21 Q Did you ever talk with Ms. Krempa about shift supervisor  
22 training?

23 A I did.

24 Q And what did you discuss?

25 A Angel shared with me that she feels overwhelmed, and that

1 she never got training the way that it's supposed to be. That  
2 Nick never invested the time into doing the right thing for  
3 her, and asked me if I can help her schedule training now that  
4 Nick was gone.

5 Q Did you help her schedule training?

6 A I did.

7 Q And did she do the training?

8 A She did.

9 Q Were you involved in any disciplinary matters involving  
10 Ms. Krempa?

11 A I was.

12 Q What were you involved in?

13 A I was a witness to her final reprimand, and I was also a  
14 witness for her separation from employment.

15 Q Do you know why she was separated?

16 A She was separated for time and attendance.

17 Q Did you have to approve that separation?

18 A I did.

19 Q And did the fact that she was either pro-union supporter  
20 or nonunion supporter have any influence on your decision to  
21 approve that separation?

22 A No.

23 Q Turning to your current role as partner resources manager,  
24 have you reviewed the partner resources support center file on  
25 Ms. Krempa?

1 A I have.

2 Q And is that a document that's maintained in the ordinary  
3 course of business?

4 A Yes.

5 Q Can you turn to Exhibit 296 in your documents in front of  
6 you?

7 A I have 296.

8 Q Is that the partner resource support -- partner resources  
9 support center file for Ms. Krempa?

10 A Yes.

11 MS. POLITO: Your Honor, at this time, I move Exhibit 296  
12 into evidence.

13 MS. STANLEY: No objection.

14 JUDGE ROSAS: Respondent's 296 is received.

15 **(Respondent Exhibit Number 296 Received into Evidence)**

16 Q BY MS. POLITO: During the time that you were a district  
17 manager in the Buffalo area, did you also have an occasion to  
18 oversee any stores in the Rochester area?

19 A I did.

20 Q And how did that come about?

21 A I was asked if I have capacity to dual manage because the  
22 district manager, Brittany Cahill, I want to say, went on  
23 unexpected leave of absence with three-day notice.

24 Q Do you know a partner by the name of Brian Nuzzo?

25 A I do.





1 Q And how do you know him?

2 A Brian Nuzzo is a shift supervisor at one of the stores in  
3 Rochester that I oversaw?

4 Q Were you involved in his discharge?

5 A I was.

6 Q And do you know why he was discharged?

7 A Yes, I do.

8 Q Why was that?

9 A There were a few primary level of component, which was,  
10 one, safety and security violation, ran into the store alone.  
11 Second was also within safety and security but under our COVID  
12 protocols. At the time, mask was required any time, unless you  
13 were actively eating or drinking. And Brian not only did not  
14 wear a mask himself at certain portion of his shift, but  
15 additionally, did not -- did not do his due diligence as part  
16 of his responsibility as the shift supervisor to ensure other  
17 followed the policy.

18 And then lastly, it was integrity piece. Brian lied about  
19 it when asked if those two things happened.

20 Q And how did you know that Brian lied about those things  
21 that had happened?

22 A Part of our regular process, when something gets brought  
23 to the district manager or store manager is to do discovery.  
24 Discovery means talking to potentially witnesses that might  
25 have seen it. Discovery might mean pulling out footage for the

1 day part. Discovery might -- will always include actually  
2 talking to the subject himself or themselves to see and ask their  
3 side of the story and ensure we have a full picture before  
4 making any future decisions.

5 Q And did you review videos relating to Mr. Nuzzo's  
6 situation?

7 A I did.

8 Q And if we play those videos, would you be able to  
9 recognize those?

10 A I would.

11 MS. POLITO: And Your Honor, for the record, Exhibit R-133  
12 and 134 are two blank documents that are marked, document  
13 produced natively. And those are the two videos relating to  
14 Mr. Nuzzo that we can play for the Court now. And I believe  
15 that our paralegal has either emailed or will be emailing them  
16 to the parties, and also uploading them.

17 JUDGE ROSAS: So R-133 and 134 are videos?

18 MS. POLITO: Correct, Judge. And then if I can move them  
19 into evidence at this time.

20 JUDGE ROSAS: Have you had an opportunity to see them?

21 MS. STANLEY: I have not. I thought we were going to play  
22 them today.

23 JUDGE ROSAS: Okay. All right.

24 Go ahead.

25 MS. POLITO: They've been produced, but --

1 JUDGE ROSAS: Unless you want to ask her questions about  
2 it and then -- you can play it.

3 MS. POLITO: There's no audio.

4 JUDGE ROSAS: There's no audio on them?

5 MS. POLITO: It's just --

6 JUDGE ROSAS: Gotcha.

7 MS. POLITO: Okay.

8 (Counsel confer)

9 Q BY MS. POLITO: MK, we're going to play a video that's  
10 marked 133. Can you see that?

11 A Yes. Now, I can.

12 Q And before you hit play, on the top of that video, do you  
13 see a time stamp?

14 A I do.

15 Q And what is that?

16 A Friday, March 4th, 2022, 4:45:02 seconds in the morning.

17 Q Okay. And what is it generally descript -- what is it  
18 generally a video of?

19 A This is our camera from -- it's a fish eye camera that  
20 shows majority of square footage from front of house of that  
21 location.

22 (Video played at 12:27 p.m., ending at 12:32 p.m.)

23 Q BY MS. POLITO: MK, what does that video demonstrate?

24 A At approximately 4:47 a.m., you will see a first person  
25 entering the store. That person is Brian Nuzzo. And this

1 video, for me, validated Brian, indeed, walked in the store by  
2 himself 13 minutes before his scheduled time. He did not clock  
3 in in addition to it when he got to work.

4 Q And what was wrong with Mr. Nuzzo entering the store by  
5 himself?

6 A Most importantly, it was his own safety. That's why we  
7 have a policy in place. But he was not allowed to be in the  
8 store alone.

9 Q And why wasn't he allowed to be alone in the store?

10 A We have safety and security of minimum staffing with  
11 minimum two partners in the store at all times.

12 Q And is that policy contained in the partner guide?

13 A Yes.

14 Q Is the video maintained and then kept in the regular  
15 course of business?

16 A Yes.

17 Q And does Starbucks store make it a regular practice to  
18 make these records?

19 A Not at the store level. The store manager wouldn't have  
20 access to that.

21 Q What store was Mr. Nuzzo walking in March of 2022 when at  
22 the time this video was made?

23 A Clover -- I apologize. I do not remember a full name of  
24 the store.

25 Q Does Clover and Monroe sound correct?

1 A That does.

2 Q When did you first review this video?

3 A First week of March -- maybe March 7 or 8.

4 Q Did Starbucks still have a mask mandate in effect at the  
5 time?

6 A Yes.

7 Q Could you tell in the video if Mr. Nuzzo was wearing a  
8 mask coming into the store?

9 A I could. And he was not.

10 MS. POLITO: Judge, at this point, I'd like to move  
11 Respondent's 133 into evidence.

12 JUDGE ROSAS: Okay.

13 MS. STANLEY: No objection.

14 JUDGE ROSAS: Respondent's 133 is received.

15 **(Respondent Exhibit Number 133 Received into Evidence)**

16 Q BY MS. POLITO: Earlier, you also told us about making  
17 misrepresentation during the investigation. How did you know  
18 that?

19 A I received an email statement that Brian Nuzzo wrote and  
20 sent to his store manager Ray Bul -- Ray.

21 Q May I turn your attention to what's been marked as Exhibit  
22 R-288.

23 A I have R-288.

24 Q Is that the email that you were just referring to?

25 A It is.



1 MS. POLITO: Your Honor, I move R-288 into evidence.

2 MS. STANLEY: No objection.

3 JUDGE ROSAS: Respondent's 288 is received.

4 **(Respondent Exhibit Number 288 Received into Evidence)**

5 Q BY MS. POLITO: Was there any particular reason why Mr.  
6 Nuzzo was terminated? Was there one key reason?

7 A Each of those three reason I mentioned on its own would be  
8 enough for separation and discharge from Starbucks Coffee  
9 company. But in the combination with all three, it was -- it  
10 was very, very clear that he should not be a partner.

11 Q And when Mr. Nuzzo was terminated, how did he respond?

12 A I was not present for termination.

13 Q Did you review the video during his termination?

14 A I did not.

15 MS. POLITO: Judge, we're not going to submit the second  
16 video because it doesn't reflect anything in addition to R-133.  
17 Apologies. So R-134 will be withdrawn.

18 **(Respondent Exhibit Number 134 Withdrawn)**

19 Q BY MS. POLITO: Turning your attention back to R-288.

20 A Uh-huh.

21 Q That email.

22 A I have it in front of me.

23 Q Did Mr. Nuzzo lie in that email, to your knowledge?

24 A Yes, he did.

25 Q And do you know where -- where it's depicted in that email

1     that he lied about the events of Friday, March 4th?

2     A     If I would -- may I have a minute to --

3     Q     Sure.

4     A     So the first lie that would just -- that I know was a lie,  
5     is paragraph 3, line 3, where it states that, "It was not  
6     because I entered the store alone." Stating he didn't enter  
7     the store alone, as we saw in the video. He did enter the  
8     store alone.

9           The second discrepancy was the time. He's referring to  
10    four minutes, when we saw in the video that that was 13 minutes  
11    prior to the beginning of his shift.

12           And the last sentence of that same paragraph, he is  
13    paraphrasing that, again, he does not remember or know the  
14    reason of why there was a few-minute difference.

15    Q     Thank you. Do you remember a partner by the name of  
16    Minwoo Park?

17    A     I do.

18    Q     And how?

19    A     He was a shift supervisor at my Depew location.

20    Q     Were you involved in the discipline of Mr. Park?

21    A     I was.

22    Q     And what discipline were you involved in with respect to  
23    Mr. Park?

24    A     I was involved in a final written warning, an additional  
25    conversation post-final written warning that, I believe, was a

1     documented coaching, and I was present in his separation from  
2     Starbucks.

3     Q     And why was he separated from Starbuck?

4     A     He was separated for mission values and his behavior at  
5     another location.

6     Q     And did you approve that termination?

7     A     I did.

8     Q     And did the fact that he may or may not have been a  
9     supporter of the Union have any involve -- have -- play any  
10    role in your decision to support his termination?

11    A     No.

12    Q     In your role as partner resource manager, have you had the  
13    opportunity to review his PRSC file?

14    A     I have.

15    Q     Can you turn your attention to Exhibit R-302 and take a  
16    look at that document?

17    A     302?

18    Q     Correct.

19    A     Not yet.

20    Q     No 302 in that --

21    A     One second. It might be here. No, it's not here.

22           JUDGE ROSAS: Use this.

23           THE WITNESS: Thank you. I have 302.

24    Q     BY MS. POLITO: Okay. Can you take a look at R --  
25    Respondent's 302?



1 A Yes.

2 Q What is that document?

3 A This is our old PRC (phonetic throughout) file from Minwoo  
4 Park.

5 MS. POLITO: Your Honor, I move Exhibit R-302 into  
6 evidence.

7 MS. STANLEY: No objection.

8 JUDGE ROSAS: Respondent's 302 is received.

9 **(Respondent Exhibit Number 302 Received into Evidence)**

10 MS. POLITO: Thank you, Judge.

11 Q BY MS. POLITO: Do you recall a partner by the name of  
12 Will Westlake?

13 A I do.

14 Q And how are you -- how do you recall Will Westlake?

15 A Will is a barista at my Camp Road at location.

16 Q And were you involved in any disciplinary actions with  
17 respect to Mr. Westlake?

18 A I was in my current role.

19 Q As partner resource manager?

20 A That is correct.

21 Q With respect to the time that you were district manager in  
22 the fall of 2021, did you prevent Mr. Westlake from acting as a  
23 barista trainer due to his union affiliation?

24 A No, I did not.

25 Q In your current role as partner resource manager, have you



1 reviewed his partner PRSC file?

2 A I have.

3 Q And if you look at Exhibit R-310, hopefully?

4 A I have it.

5 Q If you can look at, actually, R-10 -- R-310, R-311, R-312,  
6 R-313, R-314, R-315, 16, 17, 18, and 19?

7 A 310 to 319?

8 Q Correct.

9 A I have them in front of me.

10 Q Are those documents -- what are those documents?

11 A Those are all cases from our old system for PRC cases for  
12 partners that I would need to take a look at who they are for.

13 Q Can you take a look and confirm that those all relate to  
14 partner Will Westlake?

15 A RC-10 to RC-19 all related to -- to Will Westlake.

16 MS. POLITO: Your Honor, I move the PRODUCT RECALL files  
17 for Will Westlake into evidence.

18 MS. STANLEY: No objection.

19 JUDGE ROSAS: Respondent's 310 to 319 are received.

20 **(Respondent Exhibit Numbers 310 through 319 Received into**  
21 **Evidence)**

22 Q BY MS. POLITO: MK, do you know a partner by the name of  
23 Colin Cochran?

24 A I do.

25 Q And how do you know Colin Cochran?



1 A Colin is a barista at 7949.

2 Q Was he -- do you recall where -- what store that was?

3 A Yes. It is -- I will come up with the name very shortly.

4 Q Walden/Anderson?

5 A That is correct.

6 Q Did you ever prevent Mr. Cochran from serving as a barista  
7 trainer in the fall of 2021?

8 A No, I did not.

9 Q Was Walden and Anderson closed for a period of time to  
10 become a centralized training facility?

11 A Yes, it was.

12 Q Was Mr. Cochran given the opportunity to work at other  
13 stores during that time?

14 A To my knowledge.

15 Q In your role as partner resource manager, have you had the  
16 opportunity to look for the PRSC file for a Nathan Tarnowski?

17 A Yes, I have.

18 Q Can you turn your attention to Exhibit R-305?

19 A I have it.

20 Q Is that Mr. Tarnowski's PRSC file?

21 A Yes, it is.

22 MS. POLITO: Your Honor, I move Exhibit 305 into evidence.

23 MS. STANLEY: No objection.

24 JUDGE ROSAS: Respondent's 305 is received.

25 **(Respondent Exhibit Number 305 Received into Evidence)**



1 Q BY MS. POLITO: In your role as partner resource manager,  
2 have you had the opportunity to look at the PRSC file for  
3 Nicole Norton?

4 A Yes, I have.

5 Q Can you take a look at Exhibit R-306, please?

6 A I have 306.

7 Q Is that Ms. Norton's PRSC file?

8 A Yes, it is.

9 MS. POLITO: Your Honor, I move 306 into evidence.

10 MS. STANLEY: No objection.

11 JUDGE ROSAS: Respondent's 306 is received.

12 **(Respondent Exhibit Number 306 Received into Evidence)**

13 Q BY MS. POLITO: In your role as partner resource manager,  
14 have you had the opportunity to look at the PRSC file for  
15 Roisin -- Roisin Doherty?

16 A Yes, I have.

17 Q Can you take a look at R-307 and tell us what that  
18 document is?

19 A I have 307, and that is a Roast document for partner  
20 resource contact center for Roisin.

21 MS. POLITO: Your Honor, I move Respondent's 307 into  
22 evidence.

23 MS. STANLEY: No objection.

24 JUDGE ROSAS: Respondent's 307 is received.

25 **(Respondent Exhibit Number 307 Received into Evidence)**



1 Q BY MS. POLITO: MK, in your role as partner resource  
2 manager, have you had the opportunity to look for the PRSC for  
3 partner Alexis Rizzo?

4 A Yes, I have.

5 Q Can you take a look at Exhibit Number 308?

6 A I have 308.

7 Q Is that Ms. Rizzo's partner resources PRSC file?

8 A Yes, it is.

9 MS. POLITO: Your Honor, I move Exhibit 308 into evidence.

10 MS. STANLEY: No objection.

11 JUDGE ROSAS: Respondent's 308 is received.

12 **(Respondent Exhibit Number 308 Received into Evidence)**

13 Q BY MS. POLITO: MK, in your role as partner resource  
14 manager, have you had the opportunity to look at -- for the  
15 partner resource file for Brian Murray?

16 A Yes, I have.

17 Q And taking a look at Exhibit R-309, is that the PRSC file  
18 for Mr. Murray?

19 A Yes, it is.

20 MS. POLITO: Your Honor, I move Exhibit 309 into evidence.

21 MS. STANLEY: No objection.

22 JUDGE ROSAS: Respondent's 309 is received.

23 **(Respondent Exhibit Number 309 Received into Evidence)**

24 Q BY MS. POLITO: MK, in your role as partner resource  
25 manager, do you have occasion to look for the partner resource

1 file for Gianna Reeve?

2 A Yes, I have.

3 Q Can you take a look at Exhibits R-320 and R-321?

4 A I have them. They'll say Gianna Reeve, partner, roast  
5 document.

6 Q And -- and those are from the par -- PRSC files?

7 A That is correct.

8 MS. POLITO: Your Honor, I move the -- 320 and 321 into  
9 evidence.

10 MS. STANLEY: No objection.

11 JUDGE ROSAS: Respondent's 320 and 321 received.

12 **(Respondent Exhibit Numbers 320 and 321 Received into Evidence)**

13 Q BY MS. POLITO: With respect to scheduling partners at the  
14 stores in the fall of 2021, how were they generally scheduled?

15 A They were scheduled within their availability. They were  
16 scheduled for business needs. They were scheduled on demand  
17 that we nee -- was required on the floor.

18 Q Was there a minimum availability requirement in the fall  
19 of 2021?

20 A No, there was not.

21 Q And you told us earlier, when a partner is hired, they  
22 indicate their availability. How -- how did -- how do you --  
23 how do you find that minimum availability in the system?

24 A When a candidate -- before they become a partner -- when  
25 the candidate applies for their role at Starbucks --

1 specifically, for hourly level -- they would indicate when  
2 they're available for Monday to Sunday, which days they're  
3 unavailable, and if they're available in a particular day. Is  
4 it early a.m., a.m., mid-day, evening, and late p.m. I also  
5 believe for specific stores there -- that are 24/7 locations,  
6 there would be a button that says, I'm available to work  
7 overnight.

8 Q Do you recall a time in October of 2021 that there was a  
9 minimum availability requirement announced at the Delaware and  
10 Chippewa store?

11 A No, I do not.

12 Q Were you responsible for that store in the fall of 2021?

13 A I was.

14 Q And you're not aware of any announcement of a minimum  
15 availability policy in that store in October of 2021, correct?

16 A No announcements. No policies. No.

17 Q With respect to the Transit & French store, do you recall  
18 in or about September of 2021 partners were offered additional  
19 hours at that store?

20 A Would you repeat the store again, please?

21 Q Transit & French.

22 A We offered hours for whoever did their reset that I shared  
23 with you in every store. So when we closed the store, we ask  
24 partners that were scheduled or not scheduled if they want to  
25 be part of rebuilding the back room and stations. And we also

1 had some big cleaning opportunities in that store, so whoever  
2 wanted additional hours, they also had opportunity to pick up  
3 the hours that myself and the store manager are lined on prior  
4 to for cleaning.

5 Q As a district manager in the fall of 2021, were you  
6 responsible for disciplining store managers?

7 A Yes.

8 Q Did you remove any store managers?

9 A Not in fall of 2021.

10 Q Do you know a store manager by the name of Chris Wright?

11 A Yes, I do.

12 Q And was he -- where was he a store manager?

13 A He was at 23917 Genesee Street when I arrived.

14 Q And did -- did he stay employed by Starbucks after your  
15 arrival?

16 A He did for a while, yes.

17 Q And when did he leave?

18 A He left closer to end of November of 2021.

19 Q Did he leave voluntarily?

20 A Yes, he did.

21 Q Do you know if during the fall of 2021 that some of the  
22 store support managers supported store managers in the Buffalo  
23 market by assisting with scheduling employees?

24 A Yes, I do.

25 Q And can you give us a specifi -- specific example of a





1 support store manager that helped with scheduling?

2 A For Genesee Street, I did not have a core store manager  
3 when Chris have asked me to remove him from the location into a  
4 different store. So my support managers there were making a  
5 schedule. For 7381, I had -- that's Elmwood -- I had a leader  
6 that was struggling and asked for help in learning how to make  
7 effective schedule. So I asked the support manager to spend  
8 time building it together. And then for 59 -- for Camp Road  
9 location, David -- I do not remember his last name. I only met  
10 him briefly. But the store manager left, pretty much, within  
11 the first week of my arrival, so in that store I also had a  
12 support store manager make the schedule because I didn't have a  
13 core store manager.

14 Q Do you remember, also --

15 MS. POLITO: Strike that.

16 Q BY MS. POLITO: Do you remember whether or not you made  
17 any similar changes at the Williamsville Place store in or  
18 around November of 2021?

19 A I do.

20 Q And what was that?

21 A That was a temporary base. (b) (6), (b) (7)(C)

22 (b) (6), (b) (7)(C)

23 (b) (6), (b) (7)(C)

24 (b) (6), (b) (7)(C)

25 (b) (6), (b) (7)(C)

1 (b) (6), (b) (7)(C)

2 (b) (6), (b) (7)(C)

3 Collectively, he -- well, he offered -- and might have

4 been able to -- (b) (6), (b) (7)(C)

5 (b) (6), (b) (7)(C)

6 (b) (6), (b) (7)(C)

7 (b) (6), (b) (7)(C)

8 (b) (6), (b) (7)(C)

9 (b) (6), (b) (7)(C)

10 Q Earlier, in your testimony, you indicated that the Walden  
11 Galleria kiosk store was closed. Do you recall that testimony?

12 A I do.

13 Q Do you know why it was closed?

14 A I believe that it was due to staffing.

15 Q Was there any other reason that the Walden Galleria kiosk  
16 was closed?

17 A Yes. In addition to staffing, it is a mall location, and  
18 I might have mentioned earlier, we closed a lot of stores  
19 through pattern changes and customer behavior through COVID.

20 Q Can you take a look at what's been marked as Exhibit  
21 R-138?

22 A I have 138.

23 Q What is that document?

24 A This is a store development document for store support  
25 package. We would have this document as any time we chose to

1 close a store in -- in scenarios I shared with you from DC --  
2 that happened in DC. It would be used as a summary for that  
3 and history base moving forward.

4 Q Have you seen this type of document before?

5 A I have.

6 Q And who typ -- who creates this document?

7 A It would -- yeah, and the general format is created by  
8 Starbucks in Seattle, within store development organizations.  
9 I do not know the "who" specifically. But then as it trickles  
10 down in usage, regional director -- director within store  
11 development, district manager, would then have a part of  
12 filling the document out.

13 Q Is this document maintained in the ordinary course of  
14 business?

15 A Yes.

16 Q Generally speaking, what does this document reflect?

17 A It will, again, show a summary of why decisions were made,  
18 what the leader of that location is thinking of doing next, a  
19 proposal, as well as history of financial proforma for that  
20 store.

21 MS. POLITO: Your Honor, I move to exhib -- admit Exhibit  
22 R-138 into evidence.

23 MS. STANLEY: Voir dire.

24 **VOIR DIRE EXAMINATION**

25 Q BY MS. STANLEY: Do you create this document yourself?



1 A I do not.

2 Q Did you input any of the information that's in here?

3 A I did not.

4 Q Were you involved in the decision to close the kiosk?

5 A I was not.

6 Q Was it closed before you got to Buffalo?

7 A I do not know.

8 MS. STANLEY: Object. I don't think this witness is the  
9 appropriate witness to enter this document. She wasn't  
10 involved in its creation. She didn't have anything to do with  
11 the closure of the store. She didn't input any of this  
12 information.

13 JUDGE ROSAS: Do you dispute that it's a business record?

14 MS. STANLEY: I don't.

15 JUDGE ROSAS: Overruled. Respondent's 138 is received.

16 **(Respondent Exhibit Number 138 Received into Evidence)**

17 **RESUMED DIRECT EXAMINATION**

18 Q BY MS. POLITO: MK, looking at Exhibit R-138, can you tell  
19 us, generally, what that document shows with respect to the  
20 Walden Galleria kiosk in Buffalo, New York?

21 A Yeah. A little bit of a summary over page 1. You will  
22 see dates of when the location was open, which is 2003. You  
23 will see expiration of lease dates and just overall important  
24 dates for purposes of our agreement with kiosk in the mall.  
25 You will see general location of that store. The region, the



1 address, the store number that I've been leveraging for other  
2 stores. It's -- as well as square footage and what it -- what  
3 kind of -- what kind of store that is, which for this type was  
4 kiosk. It's a line under store type.

5 For second page of this document, you will see overall  
6 proforma for year che -- year-over-year. I shared earlier  
7 about a different store. Same doc that we use. We'll look for  
8 last two-ish years of trends and total contribution and cash  
9 flow, or what the store is producing. So you'll see that  
10 really page 2 is a proforma of that location, and I guess, our  
11 metrics as well as the expectations.

12 On page 3, it goes a little bit more in-depth. So this  
13 page is the same layout and line-to-line as our profit and loss  
14 report for a given store -- area or region. And then it will  
15 go in-depth for setting in FY-16 wrapping it up with actual  
16 numbers in FY-20 for individual lines that we can read through  
17 if we desire.

18 Q For fiscal year 2020, does it demonstrate what the total  
19 cash flow was for that particular year?

20 A It does. Total cash flow is exhibited at 12.8 percent.

21 Q You told us earlier that Camp Road was one of the stores  
22 that were -- was within your district?

23 A Yes.

24 Q And did you know that there was a vote held at Camp Road?

25 A There was what at Camp Road? I apologize.

1 Q A vote held at Camp Road with respect to the petition to  
2 organize.

3 A Yes, there was.

4 Q And do you know when that vote was held?

5 A We opened ballots on December 9th, 2021.

6 Q And do you know what the actual vote was?

7 A Yes.

8 Q What was it?

9 A It was -- it was 12 no votes, 8 yes votes, and 2 challenge  
10 ballots.

11 Q Can you take a look at Exhibit R-132?

12 A I have it in front of me.

13 Q Do you know that to be the tally of ballots from the  
14 National Labor Relations Board?

15 A I do.

16 Q And how do you know that?

17 A Because I have seen that on National Labor Relations Board  
18 site.

19 Q It doesn't say Camp Road anywhere, so how do you know that  
20 this is the tally of ballots for Camp Road?

21 A Because of the vote that I just shared with you and the  
22 numbers are matching, as well as the date of the vote, which is  
23 12/9/2021, issued on top --

24 Q No --

25 A -- followed by city, Buffalo, New York.

1 MS. POLITO: Your Honor, I move R-132 into evidence.

2 MS. STANLEY: No objection.

3 JUDGE ROSAS: No objection. Respondent's 132 is received.

4 **(Respondent Exhibit Number 132 Received into Evidence)**

5 JUDGE ROSAS: And while we're at it, is the Regional  
6 Director's report -- was there one in connection with case  
7 03-RC-282127?

8 MS. STANLEY: I am not sure what you mean, Your Honor,  
9 report?

10 JUDGE ROSAS: Based -- were there objections? Objections  
11 or challenges?

12 MS. STANLEY: I can't say for sure. I -- I want to say,  
13 yes, but I don't know --

14 JUDGE ROSAS: Okay.

15 MS. STANLEY: -- off the top of my head.

16 JUDGE ROSAS: The only reason I'm asking is because when I  
17 write these combined cases together, I -- I want to have all  
18 the background in there, and that's obviously part of the  
19 procedural background leading to --

20 MS. STANLEY: Oh, you know what?

21 JUDGE ROSAS: -- this -- this -- this charge being  
22 included in this complaint.

23 MS. STANLEY: Yes. There must have -- well, I can't say  
24 there must have been, but Camp Road is the store where the  
25 General Counsel is asking for a bargaining order. I don't know

1 if that answers your question about objections.

2 JUDGE ROSAS: But between this tally of ballots and the  
3 issuance of this complaint -- the filing of the charge, the  
4 issuance of the complaint, there was a Regional Director's  
5 report in all likelihood.

6 MS. STANLEY: I don't know --

7 JUDGE ROSAS: So if there is --

8 MS. STANLEY: Yeah.

9 JUDGE ROSAS: -- I'll be judicially noticing it.

10 MS. STANLEY: Okay.

11 JUDGE ROSAS: Just so you all know because I mean, it's  
12 part of the procedural background. That's all. Okay.

13 MS. POLITO: Thank you, Judge.

14 JUDGE ROSAS: All right. Respondent's 132 is received.

15 Q BY MS. POLITO: MK, are aware of the stores in the Buffalo  
16 market that have petitioned for union organization?

17 A Yes.

18 Q And do you know, off the top of your head, which ones  
19 those are?

20 A I think I can name most. I know it's about half of the  
21 market, I think, to actually ten stores.

22 Q Can you take a look at R-323 and -- and let me know if  
23 that refreshes your rel -- recollection as to which stores in  
24 the market have petitioned?

25 A I have R-323, and yes, this is Buffalo market, and I can



1 share which stores have petitioned.

2 Q Tell us which stores have petitioned, please.

3 MS. STANLEY: I'm going to object if she's just going to  
4 read off the document.

5 JUDGE ROSAS: Well, hold on one second.

6 MS. POLITO: Okay.

7 JUDGE ROSAS: So it --

8 MS. POLITO: So then she can put it dow --

9 JUDGE ROSAS: Counsel, you compiled this?

10 MS. POLITO: It's -- it's a document that I created,  
11 Judge. I can use it to refresh her recollection. I can --

12 JUDGE ROSAS: Is it --

13 MS. POLITO: -- admit it into evidence. This kind of --

14 JUDGE ROSAS: Is it --

15 MS. POLITO: -- makes it easy.

16 JUDGE ROSAS: -- useful -

17 MS. POLITO: It's at the -- if she wants to --

18 JUDGE ROSAS: -- for our purposes --

19 MS. POLITO: I feel like it's useful.

20 JUDGE ROSAS: -- under Federal Rule of 1006, data tables?

21 MS. POLITO: I find it useful. I'll wait to see if Ms.  
22 Stanley has objections to it.

23 MS. STANLEY: I mean, typically, I would object to  
24 something like this if the witness didn't create it and can't,  
25 necessarily authenticate -- it's going to --

1 JUDGE ROSAS: No, it -- it's --

2 MS. STANLEY: -- you know, it -- but --

3 JUDGE ROSAS: -- it's not primary evidence. It's --

4 MS. STANLEY: I would also need to go back and check to  
5 make sure it's all correct.

6 JUDGE ROSAS: It -- its accuracy is based on underlying  
7 documents, which are all in the record, right? Or --

8 MS. POLITO: Or public.

9 JUDGE ROSAS: -- can be ascertained?

10 MS. STANLEY: I don't believe that everything in here is  
11 in the record. I think there's -- on the second page, it  
12 specifically says, "there's objections pending at Camp Road."  
13 I don't know that those are in the record. It says, there's  
14 objections were overruled at Walden and Anderson. I don't know  
15 that those were -- those were included in the record. I  
16 don't -- I -- I don't believe they were.

17 JUDGE ROSAS: Let's --

18 MS. STANLEY: I know that the General Counsel Exhibits 14  
19 through 24 were petitioned and certifications at various  
20 sources, so I believe any of the certifications listed in here  
21 would be in the record, as well as the petitions.

22 JUDGE ROSAS: All right. Well, I'm -- I'm going to  
23 receive it provisionally, subject to being stricken should the  
24 General Counsel indicate that anything therein is accurate.  
25 Okay?

1       **(Respondent Exhibit Number 323 Received into Evidence)**

2           MS. STANLEY:   Okay.

3           JUDGE ROSAS:   All right.   Go ahead.

4       Q     BY MS. POLITO:  MK, can you take a look at Exhibit Number  
5       323?  Can you tell us which stores in the Buffalo market have  
6       petitioned?

7       A     Yes.  We have Camp Road, Genesee Street, Transit & French,  
8       Elmwood.  We had Delaware and Chippawa.  We have had  
9       Williamsville Place.  We had Sheridan and Bailey, Transit  
10      Commons, East Robinson, Walden and Anderson, and the last store  
11      on this list is Monroe Avenue, that is not in Buffalo, but it  
12      is the Rochester store that I had for a period of time.

13      Q     And of those stores that you just identified, how many  
14      have been certified?

15      A     We have --

16           MS. STANLEY:  The document speaks for itself.  It's in  
17      evidence.

18      A     Yeah, eight.  Eight doc -- eight of them.

19      Q     BY MS. POLITO:  Thank you.

20           MS. POLITO:  Judge, my last question just goes to the  
21      chill evidence.

22      Q     BY MS. POLITO:  MK, can you take a look at Exhibit R-322?  
23      And can you tell us what that document is?  Well, let --

24           MS. POLITO:  Strike that.

25      Q     BY MS. POLITO:  Let me -- let me go back for a minute.  Do

1     you know how many Starbuck stores across the country have  
2     petitioned to organize?

3     A     I think it's about 200.

4     Q     And do you know if that information is publicly available?

5     A     I do know, and yes, it is.

6     Q     And where is it publicly available?

7     A     On National Labor Relations Board.

8     Q     And if you take a look at Exhibit R-32- -- 322, what is  
9     that document representative of?

10    A     That is a list of all stores in U.S. market for Starbucks  
11    that have petitioned.

12    Q     And do you know of the exact number of stores in the U.S.  
13    market that have petitioned?

14    A     I do not.

15    Q     You don't have the exact number?

16    A     I do not.

17    Q     Is this document reflect all of the stores that have  
18    petitioned in the Buff -- in the U.S. --

19    A     Yes.

20    Q     -- from the National Labor Relations Board website?

21    A     Yes.

22           MS. POLITO: Judge, I move R-322 into evidence solely for  
23    the purpose of chill evidence.

24           MS. POLITO: I have some voir dire questions.

25           JUDGE ROSAS: On that?

1 MS. STANLEY: Yes.

2 **VOIR DIRE EXAMINATION**

3 Q BY MS. STANLEY: MK, did you make this document?

4 A I did not.

5 Q How do you know that this information is available on the  
6 Board website?

7 A As part of my education I downloaded a couple documents  
8 for my own reading, including the list that is just helpful to  
9 have in my current role.

10 Q Who made this document; do you know?

11 A I do not.

12 Q Do you know if this is every store that's petitioned --  
13 petitioned in the U.S. to date, to September 14th?

14 A I would not know if more stores petitioned today.

15 Q So this document really only shows petitions filed between  
16 August 30th of 2021 and July 7th of 2022?

17 A That's what it reads as, yes.

18 MS. STANLEY: I'll put an objection on the record, but I  
19 understand.

20 MS. POLITO: Judge, if I can have just five minutes. I  
21 think I'm done with this witness.

22 JUDGE ROSAS: Okay.

23 (Off the record at 1:09 p.m.)

24 JUDGE ROSAS: Respondent?

25 MS. POLITO: I have nothing further, Judge.

1 JUDGE ROSAS: General Counsel?

2 MS. STANLEY: Yes.

3 **CROSS-EXAMINATION**

4 Q BY MS. STANLEY: Hi, Ms. Mkrtumyan.

5 A Hi. Thank you.

6 Q You talked earlier about when Adam Modzel called you and  
7 asked you to come to Buffalo. What did he say the reason was  
8 that he was asking you?

9 A He said, I know you are looking for second district  
10 experience, and I have an opportunity that can benefit for you  
11 to experience because it will highlight your strengths, while  
12 giving you adventure, a lot of traveling, and going out of  
13 markets, as you might have seen in my history.

14 Q Did he say anything else?

15 A (No audible response).

16 Q I'm sorry. You have to answer.

17 A No, he did not.

18 Q Did you ask him any questions about the assignment?

19 A I did.

20 Q What did you ask him?

21 A I asked how long it was.

22 Q Did he answer -- find an answer for that?

23 A He said it's not now.

24 Q Did you ask him anything else?

25 A I did. I asked who would be my -- who would I be

1 reporting to, because it would be no longer his area, and he  
2 said it was Deanna.

3 Q You talked earlier about shift supervisors. Is a shift  
4 supervisor always a key holder?

5 A No.

6 Q So if more than one shift supervisor is going to be at one  
7 time, only one of them will be the keyholder?

8 A At the time, yes.

9 Q Or if a shift supervisor is scheduled at the same time the  
10 store manager in in the store, will the store manager be the  
11 key holder?

12 A No.

13 Q Not necessarily?

14 A Correct.

15 Q I think you said earlier that a partner can request a  
16 change to their availability after six months?

17 A Correct.

18 Q Is that just after six months of being hired, or does it  
19 have to be a six-month waiting period between any availability  
20 change request?

21 A Any availability change request.

22 Q That's approved, I assume.

23 MS. POLITO: Objection.

24 MS. STANLEY: So --

25 MS. POLITO: I don't understand what the question was.

1 JUDGE ROSAS: Rephrase.

2 Q BY MS. STANLEY: If -- if a partner's availability request  
3 is denied, do they have to wait six months before putting in  
4 another one?

5 A Not necessarily.

6 Q But if it's approved, then they need to wait six months  
7 before putting in another request?

8 A That's correct.

9 Q How do you know that David LeFrois didn't leave  
10 voluntarily?

11 A I learned that in my new role.

12 Q Who told you?

13 A It was a conversation with my partner resource manager,  
14 Pierre (phonetic throughout), as well as my direct leader.

15 Q Who was your direct leader?

16 A Nathalie Coiffe.

17 Q You talked about the number of callouts at the Genesee  
18 Street store when you arrived in September of 2021. What were  
19 the number of callouts in the other stores that you were in  
20 charge of in September 2021?

21 A Different per store.

22 Q I'm sorry. I didn't hear you.

23 A Different per store.

24 Q Can you tell me what any of them were?

25 A That's hard to say. I'll try to go to the same list, so I



1 don't get confused. At Starbucks 7318, University of Buffalo,  
2 was pretty staffed. We would have normal, typical call outs  
3 for sickness or COVID isolation, which can be one to three a  
4 day. For Transit & Maple, we had significant callouts, but  
5 probably four a day would be my average. Specifically,  
6 Saturdays, I recall being a bu -- being a busy day of callouts.  
7 Niagara Falls Boulevard, we were in a better staffing place, as  
8 well as overall like, overall culture in the store, so there  
9 were actually less callouts there, and quickly after I arrived,  
10 we closed it for renovation, so it was hard to determine.

11 For Elmwood, it depended on the day, but it can be nothing  
12 for two or three days, and then it can be ten or -- all of  
13 sudden for a significant day, and often with no explanation.  
14 For Delaware & Chippewa -- Delaware & Chippewa was, like,  
15 significant shortage but overstaffed overall as a store, so  
16 actually we had seven to ten callouts a day there.

17 And I'd say Camp Road, it was primarily evening time,  
18 where we'd struggle with callouts, maybe three to four a day  
19 and already being understaffed. At Orchard Park, it wasn't as  
20 much callouts as it was we -- we needed another 14 partners, so  
21 we just needed to adjust there for staffing.

22 Q Have you ever driven from the Niagara Falls Boulevard  
23 store to the Genesee Airport store?

24 A Yes.

25 Q It's about a 15- to 20-minute drive, isn't it?

1 A It is not.

2 Q You sure?

3 A Yes, I am.

4 Q Can you tell me what time frame the -- the Niagara Falls  
5 Boulevard store was closed for that -- to fix the floor issue?

6 A I discovered the floor issue when I met the team, so I  
7 must've closed the store mid-September, and I believe it was  
8 closed as stated for about four to five weeks.

9 Q And you said earlier that one of the store's partners from  
10 that store went to -- to work at was Genesee Street; is that  
11 right?

12 A Yes, some partners went there.

13 Q You talked about a plan to make the Williamsville Place  
14 store a drive-through forward store in that testimony?

15 A Can you repeat the question, please?

16 Q Do you remember talking about a plan to make the  
17 Williamsville Place store into more a drive-thru-focused store?

18 A I do.

19 Q How far in advance was that planned?

20 A I would not remember without looking at the plan.

21 Q When you did that Elmwood renovation, how far in advance  
22 was that renovation planned?

23 A I think we -- I believe there was a renovation in the  
24 original roster that I looked over. I do not remember the day  
25 the original renovation plans begun.

1 Q What about the Transit & Maple renovation? How far in  
2 advance was that plan?

3 A Transit & Maple was a planned renovation that happened six  
4 months or so before I even arrived, so it probably was planned  
5 at this point two to three years ago.

6 Q What about Tran -- Transit Commons?

7 A At minimum, four months, because I'd been here for about  
8 that time by the time it got into renovation.

9 Q What about Genesee Street?

10 A Genesee Street was not an expected, and we had five or  
11 seven weeks as we were sort of thinking through what we needed  
12 to do there.

13 Q And Delaware-Chippewa?

14 A I do not know.

15 Q Can you look at Respondent Exhibit 138, which is the -- to  
16 the Walden Galleria Kiosk? Let me know when you have it.

17 A I have 138.

18 Q Okay. Looking at the second page, at the top of section  
19 4, annual profit history productions, one of the lines says  
20 "RTM as of". What does RTM stand for? Do you know?

21 A Usually, to my knowledge, it's retail maintenance. I'm  
22 not quite clear on T.

23 Q Next, can you look at Respondent Exhibit 320, which is the  
24 first PRSC file for Gianna Reeve?

25 A I'm at 320.

- 1 Q Was any discipline issued personally to this file?
- 2 A One second. No, not within the 320.
- 3 Q Can you now look at 321, please?
- 4 A Um-hum.
- 5 Q And how about -- was any discipline issued pursuant to
- 6 this file?
- 7 A No.
- 8 Q Can you look at 309, please?
- 9 A I have 309.
- 10 Q Can you flip to the third page?
- 11 A I have it.
- 12 Q So kind of in the top half or the bottom of the top half
- 13 of the page, if that makes sense, there's a line that says
- 14 "Related Cases". Do you see that?
- 15 A One second. Did you say "Related Cases?".
- 16 Q Yes.
- 17 A Yes, I do.
- 18 Q And then, it says "third-party activity". Do you see
- 19 that?
- 20 A I do.
- 21 Q What does that mean?
- 22 A Someone detected the third-party activity. I do not know.
- 23 Q You don't know what third-party activity means?
- 24 A No, ma'am.
- 25 Q Does it mean Union activity?

1 MS. POLITO: Sorry. Sorry.

2 JUDGE ROSAS: Repeat that.

3 Q BY MS. STANLEY: Does it mean Union activity?

4 A I do not know.

5 MS. STANLEY: I have nothing further.

6 JUDGE ROSAS: Redirect?

7 MS. POLITO: No redirect, Judge.

8 JUDGE ROSAS: All right. Your testimony's concluded. Any  
9 further witnesses?

10 MS. POLITO: No, Your Honor.

11 JUDGE ROSAS: Respondent rests?

12 MS. POLITO: Yes, Your Honor, we rest. I did just want to  
13 discuss with respect to Respondent's exhibits, we've been  
14 exchanging the last set of documents relating to these  
15 subpoenas and the petition to revoke and then the judge's  
16 order. We -- we would like that included as part of the  
17 record. And there's not an objection. We just need to have a  
18 complete record.

19 MS. STANLEY: Right. So I think Respondent wants to  
20 include, as they did, with I think, Respondent Exhibits 1  
21 through 87, the -- the different -- the subpoenas and the  
22 responses and the orders and things of that nature, they want  
23 to finish that off with all the rest of the subpoenaed  
24 documents objecting you had marked as 115 through 131, and  
25 they've sent us a copy. We've gone back and forth on some

1 revisions. I believe you just sent the most complete copy. I  
2 don't think I have an objection to it. I do need to look at it  
3 before I say that for sure, but if it's -- if everything's in  
4 there, that should mean that we won't have an objection.

5 JUDGE ROSAS: But you know that it runs from 115 to what?

6 MS. STANLEY: 131, I believe.

7 JUDGE ROSAS: Oh. So we'll just reserve those, and those  
8 documents will fill those slots. You'll confirm that.

9 MS. POLITO: Your Honor, my privilege is before we close  
10 the record, I wanted to include those exhibits relating to the  
11 subpoenas --

12 JUDGE ROSAS: Admit those into the record.

13 MS. POLITO: -- and the Petitioner's working order.

14 JUDGE ROSAS: Yeah. So -- so I'll receive Respondent's  
15 115 through 131?

16 MS. POLITO: Would that include your opposition now?

17 MS. STANLEY: Oh, that I don't know.

18 MS. POLITO: Yeah. I -- I think --

19 MS. STANLEY: I --

20 MS. POLITO: -- the -- the General Counsel's concern was  
21 that our initial exhibit was to include their opposition, so I  
22 might need additional numbers to do that, Judge. I can  
23 actually look right now and see if I can identify those.

24 JUDGE ROSAS: Let's go off the record, all right?

25 (Off the record at 1:33 p.m.)

1 JUDGE ROSAS: Go ahead.

2 MS. POLITO: So Your Honor, we have -- in addition to the  
3 exhibits that were introduced as part of Respondent's case-in-  
4 chief, we are asking that Respondent's Exhibits 115 through 131  
5 and Respondent's Exhibits 324 through 327, which represent the  
6 final subpoenas, petitions to revoke, and this court's order  
7 regarding the -- the last four subpoenas on Brian Murray, Casey  
8 Moore, Gianna Reeve, and Minwoo Park be entered into evidence.

9 JUDGE ROSAS: Do we have the General Counsel's  
10 responses --

11 MS. POLITO: Yes.

12 JUDGE ROSAS: -- included therein?

13 MS. STANLEY: Yes.

14 MS. POLITO: We now do, Judge.

15 JUDGE ROSAS: Okay.

16 MS. STANLEY: That's what we were --

17 JUDGE ROSAS: So --

18 MS. STANLEY: -- asking them to reflect.

19 JUDGE ROSAS: -- Respondent's 115 through 131 and  
20 Respondent's 324 through 327 --

21 MS. POLITO: Correct, Judge.

22 JUDGE ROSAS: -- are received in evidence.

23 **(Respondent Exhibit Numbers 115 through 131 and 324 through 327**  
24 **Received into Evidence)**

25 JUDGE ROSAS: Okay, is there anything else?



1 MS. STANLEY: Other than that I will have --

2 JUDGE ROSAS: Any rebuttal?

3 MS. STANLEY: No, there's no rebuttal from the General  
4 Counsel.

5 JUDGE ROSAS: Okay.

6 MS. STANLEY: Other than that, I will have the 1(eeee)  
7 distributed today, but that's -- I think that's the last thing.

8 JUDGE ROSAS: So General Counsel's 1(eeee) is received.

9 **(General Counsel Exhibit Number 1(eeee) Received into Evidence)**

10 JUDGE ROSAS: Okay. Anything else? Is that it? All  
11 right. Let's go off the record for a minute.

12 (Off the record at 1:35 p.m.)

13 JUDGE ROSAS: All right, so that concludes the testimony  
14 and the evidence to be submitted in this case.

15 At this point -- at this point, I will schedule briefings  
16 from Counsel providing proposed findings of fact and  
17 conclusions of law consistent with -- of the Board's rules and  
18 regulations for the submission thereof by October 28th of 2022.  
19 I'm to be provided with courtesy copies upon the filing of  
20 those in NexGen.

21 If there's nothing else, I want to commend Counsel for  
22 very courteous yet tenacious litigation on behalf of your  
23 clients. It's been a pleasure presiding over this proceeding,  
24 and I wish you all well.

25 MS. STANLEY: Thank you, Judge.



1 MS. POLITO: Thank you, Your Honor.

2 JUDGE ROSAS: All right.

3 MS. STANLEY: Thank you.

4 **(Whereupon, the hearing in the above-entitled matter was closed**  
5 **at 1:37 p.m.)**

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C E R T I F I C A T I O N

This is to certify that the attached proceedings before the National Labor Relations Board (NLRB), Region 3, Case Numbers 03-CA-285671, 03-CA-290555, 03-CA-291157, 03-CA-291196, 03-CA-291197, 03-CA-291199, 03-CA-291202, 03-CA-291377, 03-CA-291378, 03-CA-291379, 03-CA-291381, 03-CA-291386, 03-CA-291395, 03-CA-291399, 03-CA-291408, 03-CA-291412, 03-CA-291416, 03-CA-291418, 03-CA-291423, 03-CA-291431, 03-CA-291434, 03-CA-291725, 03-CA-292284, 03-CA-293362, 03-CA-293469, 03-CA-293489, 03-CA-293528, 03-CA-294336, 03-CA-293546, 03-CA-294341, 03-CA-294303, 03-CA-206200, Starbucks Corporation and Workers United, held at the National Labor Relations Board, Region 3, Robert H. Jackson United States Courthouse, US District Court for the Western District of New York, 2 Niagara Square, Wyoming Courtroom, 5th Floor, Buffalo, New York 14202, on September 14, 2022, at 9:09 a.m. was held according to the record, and that this is the original, complete, and true and accurate transcript that has been compared to the reporting or recording, accomplished at the hearing, that the exhibit files have been checked for completeness and no exhibits received in evidence or in the rejected exhibit files are missing.



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ELAINE LAROSEE

Official Reporter

